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**U.S. Department of Homeland Security**  
U.S. Citizenship and Immigration Services  
Administrative Appeals Office (AAO)  
20 Massachusetts Ave., N.W., MS 2090  
Washington, DC 20529-2090

**U.S. Citizenship  
and Immigration  
Services**

DATE: **APR 08 2013** OFFICE: CALIFORNIA SERVICE CENTER FILE: [REDACTED]

IN RE: Petitioner:  
Beneficiary: [REDACTED]

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

ON BEHALF OF PETITIONER:



**INSTRUCTIONS:**

Enclosed please find the decision of the Administrative Appeals Office in your case. All of the documents related to this matter have been returned to the office that originally decided your case. Please be advised that any further inquiry that you might have concerning your case must be made to that office.

If you believe the AAO inappropriately applied the law in reaching its decision, or you have additional information that you wish to have considered, you may file a motion to reconsider or a motion to reopen in accordance with the instructions on Form I-290B, Notice of Appeal or Motion, with a fee of \$630. The specific requirements for filing such a motion can be found at 8 C.F.R. § 103.5. **Do not file any motion directly with the AAO.** Please be aware that 8 C.F.R. § 103.5(a)(1)(i) requires any motion to be filed within 30 days of the decision that the motion seeks to reconsider or reopen.

Thank you,

Ron Rosenberg

Acting Chief, Administrative Appeals Office

**DISCUSSION:** The Director, California 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 classify the beneficiary as an L-1B nonimmigrant intracompany transferee 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 Delaware corporation, is a news magazine publication, and claims to be a subsidiary of the located in London, England, which filed the petition on its behalf. The petitioner seeks to employ the beneficiary as a Midwest Correspondent for a period of three years.

The director denied the petition, concluding that the petitioner failed to establish that the beneficiary possesses specialized knowledge or that she will be employed in a position requiring specialized knowledge in the United States. Additionally, the director found that the petitioner failed to establish the beneficiary was employed abroad 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, counsel for the petitioner contends that the director's findings were erroneous, and claims that the beneficiary has been and will continue to be employed in a specialized knowledge capacity that is critical to the petitioner's operations.

## I. The Law

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. 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 U.S. temporarily to continue rendering his or her services to the same employer or a subsidiary or affiliate.

If the beneficiary will be serving the United States employer in a managerial or executive capacity, a qualified beneficiary may be classified as an L-1A nonimmigrant alien. If a qualified beneficiary will be rendering services in a capacity that involves "specialized knowledge," the beneficiary may be classified as an L-1B nonimmigrant alien. *Id.*

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

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.

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.

## II. The Issues on Appeal

The related issues on appeal are three-fold: whether the petitioner established that the beneficiary possesses specialized knowledge, will be employed in the United States in a specialized knowledge capacity, and was employed abroad in a position that required specialized knowledge.

In a letter of support submitted with the Form I-129 petition, the petitioner stated that it is engaged in the news publication business, and claims that it is responsible for the U.S. version of [REDACTED] and its online counterpart, [REDACTED]. The petitioner states that since its establishment in 1977, it has achieved a U.S. readership of 720,000 and accounts for over half of the group's worldwide publication sales. It further claimed to employ 300 professional employees in the United States.

The petitioner stated the beneficiary will be working as a Midwest Correspondent in its Chicago, Illinois office, and described the proffered position as follows:

As the Midwest Correspondent for [the petitioner], the beneficiary will be responsible on a weekly basis for finding, researching, writing and editing political, business, environment and education stories about Chicago and the Midwest for the print edition of [REDACTED]. She will stay abreast of daily news, provide incisive and analytical copy, and provide online news, blogs, audio and video as required for [REDACTED].

Additionally, she will be contributing to editorial meetings, writing opinion pieces for the newspaper, and attending meetings nationally and internationally to represent [the petitioner]. She will also be chairing [the petitioner's] conferences and covering major USA election and political coverage. Last but not least, as the Midwest Correspondent, [the beneficiary] will be building links between London and Chicago [REDACTED] offices.

In this position [the beneficiary] will be required to utilize her specialized knowledge of the collective voice and personality of [the petitioner], and advance knowledge of [the petitioner's] particular specialized publishing systems tailored for use exclusively by [the petitioner], such as CCI NewsDesk 6.12 Editorial system, Drupal Web CDR with in-house customizations, Cold Fusion Web with in-house customizations, Thompson-Reuters Datastream financial data tools, Haver Analytics, financial data tools and Factiva research tools. [The beneficiary] will also use her specialized knowledge and intimate understanding of the editing process at [the foreign entity] in London, the culture of the paper itself, and the writing and English-language style required for the type of articles expected from [the petitioner's] senior editors. This specialized knowledge, skills, editing experience, and ability to understand the English idiosyncrasies of [the petitioner] acquired by [the beneficiary] over the previous 11 years as a correspondent for [the foreign entity] in London, are combined with substantial relevant journalistic experience and higher education, and make her irreplaceable for this position.

Regarding the beneficiary's employment abroad, the petitioner claimed that she has been employed by the foreign parent company since 2000 as a Science and Technology correspondent. In support of this contention, the petitioner submitted copies of the beneficiary's foreign paystubs for 2009, 2010, and early 2011. With respect to the position abroad and the specialized knowledge gained therein, the petitioner stated:

As the Science and Technology Correspondent for [the foreign entity], [the beneficiary] has been responsible on a weekly basis for finding, researching, writing and editing science, technology and medicine stories for the print edition of [REDACTED]. In addition, she was responsible for providing online news, blogs, audio and video as required. She was required to deputise for the Science Editor, as necessary, managing four to five staff and freelance writers. She attended and contributed to editorial meetings, and wrote opinion pieces for the newspaper on an occasional basis. She also attended meetings nationally and internationally, representing [the foreign entity].

During the past 11 years in the specialized knowledge position of Science and Technology correspondent, [the beneficiary] has developed advanced knowledge of the specialized publishing systems, such as CCI NewsDesk 6.12 Editorial system, Drupal Web CDR with in-house customizations, Cold Fusion Web with in-house customizations, Thompson-Reuters Datastream financial data tools, Haver Analytics, financial data tools and Factiva research tools. She has also acquired specialized knowledge of [the foreign entity's] editorial operation and structure, and the editorial technology for the print, web and multimedia sites used at [the foreign entity].

The petitioner continued by explaining that during her employment with the foreign entity, the beneficiary has been immersed in a "unique editorial culture" and has become "one of an elite group of opinion formers," which the petitioner refers to simply as "a [REDACTED] journalist." Specifically, the petitioner claimed that the foreign entity has a relatively small staff of journalists, noting that only 80 journalists are employed on a full-time basis. The petitioner noted the relevance of this figure when considered with its claimed worldwide circulation of 1.6 million. The petitioner stated that employment with the foreign entity in London serve as on-the-job training, noting that, while the foreign entity did not hold formal training for its employees, they were nonetheless expected to collaborate with and work alongside of senior editors.

The petitioner further stated that, unlike other journalists employed by newspapers or magazines, its journalists are expected to operate at multiple levels and become responsible for reporting, writing, editing and proofing their own stories as well as those of fellow journalists. The petitioner distinguished the beneficiary's position abroad and her proposed position in the U.S. from that of a routine journalist, noting that most other magazines or newspapers routinely employed sub-editors or proofreaders to relieve its journalists from some of these duties. The petitioner concluded by stating that this broad range of duties has given the beneficiary "an exceptional and unique skill set," as well as the ability to write in "The [REDACTED] voice," which the petitioner states is the publication's particular style of writing. According to the petitioner, it is a "longwinded process" to become "fluent" in this writing style, and requires journalists to work closely with senior editors and learn from their feedback.

Regarding the beneficiary's qualifications, the petitioner stated that she holds a Ph.D. in Natural History from the [REDACTED] has been recognized internationally for her work, and has been a Chair of the [REDACTED] The petitioner concluded by stating that the beneficiary would be compensated at an annual salary of \$130,000 for her services.

The director found the initial evidence submitted to be insufficient, and subsequently issued a Request for Evidence ("RFE"). The director requested that the petitioner provide, *inter alia*, additional evidence in support of the contention that the beneficiary: (1) was employed in a specialized knowledge capacity while abroad; (2) possesses specialized knowledge; and (3) will be employed in a position requiring specialized knowledge in the United States.

In response to the RFE, the petitioner addressed each of the director's queries. Regarding the beneficiary's employment abroad, the petitioner contended that the position of Science and Technology Consultant is "clearly" a specialized knowledge position, and contends that her duties

abroad are "different and much more developed and complex than those of a news correspondent or related occupation working in the journalism field." Specifically, the petitioner stated that the beneficiary performs duties that are not similar or typical to other journalists, but rather are "more sophisticated and unique to [the foreign entity]."

For example, the petitioner stated that its publication does not print by-lines but rather has a "collective voice and personality" and a "collective opinion." The petitioner stated that, as a result, it permits only a few members of its general editorial staff to steer and generate the publication's opinion and analysis, and claims that the beneficiary, in her specialized knowledge position, is one of these few individuals. The petitioner further stated that the beneficiary writes "Leaders" and "Op-Eds," which it describes as "articles in the five or six page section at the front of the paper," which it claims is the publication's signature section. Her experience writing these articles, coupled with her science and technology background, give her invaluable perspective on significant issues, thereby establishing her as an ' [REDACTED] opinion former,' which the petitioner states not every person with years of experience with the publication will become.

The petitioner continued to state that the beneficiary is one of a "narrow elevated class of workers" with the foreign entity, noting that she possesses advanced knowledge of petitioner's unique and complex editorial process. Moreover, the petitioner claims that in addition to acting as a senior editor, she was also responsible for assisting in the supervision and training of junior staff on the science and technology team.

Regarding the beneficiary's claimed specialized knowledge, the petitioner stated that her specialized knowledge of the " [REDACTED] voice" and the company's "collective opinion" is something gained only through years of "highly-responsible hands-on experience" with the foreign entity in London. The petitioner claims that she has "a very complex ability to shape [the petitioner's] position and write opinion pieces and leaders." The petitioner further states that, while all newly-hired employees are trained via hands-on experience working with other journalists to become " [REDACTED] journalists," only a few become " [REDACTED] opinion-shapers" like the beneficiary. The petitioner stated that it would take at least eight years of employment in the London office to gain similar knowledge to that held by the beneficiary.

Additionally, the petitioner claimed that the beneficiary possesses advanced knowledge of its specialized publishing systems tailored for exclusive use by the petitioner and its affiliates, specifically CCI NewsDesk 6.12 Editorial system, Drupal Web CDR with in-house customizations, Cold Fusion Web with in-house customizations, Thompson-Reuters Datastream financial data tools, Haver Analytics, financial data tools and Factiva research tools. The petitioner claimed that these systems are not generally used in the United States or outside of the foreign entity, thereby demonstrating her knowledge of these systems is clearly specialized. Finally, the petitioner claimed that the beneficiary's combined academic background, combined with her high-level experience with the foreign entity, have given her the requisite specialized knowledge.

Regarding the claimed specialized knowledge position in the United States, the petitioner claimed that the nature of the position, which requires finding, researching, writing and editing stories, requires a high degree of autonomy. The petitioner again emphasized the uniqueness of the

petitioner's writing and publishing, noting that the proffered position consequently requires an individual with specialized knowledge of the petitioner's methodologies and approach to journalism. The petitioner reiterated that the beneficiary's experience with the foreign entity, coupled with her academic training and knowledge of the petitioner's publishing systems, qualifies her to perform the duties of the specialized knowledge position of correspondent in the United States.

Aside from the petitioner's letter in response to the RFE, no additional documentary evidence was submitted.

The director ultimately denied the petition, concluding that the petitioner failed to establish that the beneficiary possesses specialized knowledge, that she would be employed in a specialized knowledge position, or that her employment abroad had been in a specialized knowledge position. In denying the petition, the director found that the record contained no evidence that the position of science and technology correspondent abroad requires an advanced level of knowledge beyond that of other similarly-employed journalists in the field. Moreover, the petitioner found that the beneficiary did not possess specialized knowledge based solely on her experience working with the petitioner. Finally, the director concluded that the record was devoid of evidence to establish that the proffered position in the U.S. required special or advanced knowledge beyond that of other similarly-employed Midwest Correspondents in the journalism field.

On appeal, counsel for the petitioner asserts that the director erred by discounting the beneficiary's experience gained abroad and her unique understanding of the "██████████ voice" gained only through years of hands-on experience with the petitioner's London office. Counsel further emphasizes that only the most elevated class of workers in the company have the privilege to contribute to the formation of the publication's collective voice and personality, again relying on this fact as evidence of her specialized knowledge. Counsel concludes that the complexity of the beneficiary's job duties, coupled with her academic training, familiarity with the petitioner's publications systems, and her years of hands-on experience, have instilled her with specialized knowledge and have prepared her to perform the duties of the specialized knowledge position in the United States.

### III. Analysis

On appeal, counsel for the petitioner indicates that the "preponderance of the evidence" standard is relevant to this matter, and that the petitioner clearly established through credible and uncontested evidence that the proffered position is a specialized knowledge position and that the beneficiary possesses specialized knowledge.

With respect to the preponderance of the evidence standard, *Matter of Chawathe*, 25 I&N Dec. 369, 375-376 (AAO 2010), states in pertinent part the following:

Except where a different standard is specified by law, a petitioner or applicant in administrative immigration proceedings must prove by a preponderance of evidence that he or she is eligible for the benefit sought.

\* \* \*

The "preponderance of the evidence" standard requires that the evidence demonstrate that the applicant's claim is "probably true," where the determination of "truth" is made based on the factual circumstances of each individual case.

\* \* \*

Thus, in adjudicating the application pursuant to the preponderance of the evidence standard, the director must examine each piece of evidence for relevance, probative value, and credibility, both individually and within the context of the totality of the evidence, to determine whether the fact to be proven is probably true.

Even if the director has some doubt as to the truth, if the petitioner submits relevant, probative, and credible evidence that leads the director to believe that the claim is "more likely than not" or "probably" true, the applicant or petitioner has satisfied the standard of proof. *See INS v. Cardoza-Foncesca*, 480 U.S. 421, 431 (1987) (discussing "more likely than not" as a greater than 50% chance of an occurrence taking place). If the director can articulate a material doubt, it is appropriate for the director to either request additional evidence or, if that doubt leads the director to believe that the claim is probably not true, deny the application or petition.

Applying the preponderance of the evidence standard, the AAO finds that the petitioner's assertions are not persuasive. The petitioner has not established that the beneficiary possesses specialized knowledge or that she was previously employed abroad and would be employed in the United States in a specialized knowledge capacity as defined at 8 C.F.R. § 214.2(l)(1)(ii)(D).

In order to establish eligibility, the petitioner must show that the individual will be employed in a specialized knowledge capacity. 8 C.F.R. § 214.2(l)(3)(ii). The statutory definition of specialized knowledge at Section 214(c)(2)(B) of the Act is comprised of two equal but distinct subparts or prongs. First, an individual is considered to be employed in a capacity involving specialized knowledge if that person "has a special knowledge of the company product and its application in international markets." Second, an individual is considered to be serving in a capacity involving specialized knowledge if that person "has an advanced level of knowledge of processes and procedures of the company." *See also* 8 C.F.R. § 214.2(l)(1)(ii)(D). The petitioner may establish eligibility by submitting evidence that the beneficiary and the proffered position satisfy either prong of the definition.

USCIS cannot make a factual determination regarding the beneficiary's specialized knowledge if the petitioner does not, at a minimum, articulate with specificity the nature of the claimed specialized knowledge, describe how such knowledge is typically gained within the organization, and explain how and when the beneficiary gained such knowledge. Once the petitioner articulates the nature of the claimed specialized knowledge, it is the weight and type of evidence which establishes whether or

not the beneficiary actually possesses specialized knowledge. *See Matter of Chawathe*, 25 I&N Dec. at 376. The director must examine each piece of evidence for relevance, probative value, and credibility, both individually and within the context of the totality of the evidence, to determine whether the fact to be proven is probably true. *Id.*

As both "special" and "advanced" are relative terms, determining whether a given beneficiary's knowledge is "special" or "advanced" inherently requires a comparison of the beneficiary's knowledge against that of others in the petitioning company and/or against others holding comparable positions in the industry. The ultimate question is whether the petitioner has met its burden of demonstrating by a preponderance of the evidence that the beneficiary's knowledge or expertise is special or advanced, and that the beneficiary's position requires such knowledge.

In the present case, the petitioner's claims are based on the second prong of the statutory definition, i.e., the beneficiary has an advanced level of knowledge of the company's processes and procedures. Specifically, the petitioner and counsel assert that the petitioner's publication is one of the world's leading sources of analysis on international business and world affairs and, that unlike other magazines or newspapers, it uses a unique and collective "voice" for expressing opinions and conveying news stories. The petitioner claims that, while it offers no formal training *per se*, the unique and specialized knowledge of its processes and procedures is gained through hand-on experience working collectively with other journalists.

According to the petitioner, the beneficiary's eleven years of employment abroad in the London office have instilled her with the highest level of knowledge attainable in the petitioner's organization. As a result, the petitioner considers the beneficiary to be in a class of a few elevated employees who have the ability to contribute to the collective voice of the publication through leaders and op-eds, thus qualifying the beneficiary as an "opinion-former," a class above and beyond a simple journalist for the publication. In addition, the petitioner claims that the beneficiary's academic training and degrees in the science fields, coupled with her knowledge of the petitioner's proprietary publishing systems, have instilled in her an advanced level of knowledge of the company's processes and procedures, thus allowing her to work in a specialized knowledge capacity abroad and qualifying her to perform the duties of a specialized knowledge position in the United States.

Upon review, the AAO concurs with the director's findings.

The petitioner claims throughout the record that the beneficiary has gained advanced knowledge of the company's unique journalistic style through her years of experience working in the London office. While the AAO acknowledges that the petitioner provides no formal training courses, the claims of the petitioner, without more, do not establish that the beneficiary possesses specialized knowledge and previously worked abroad, or will work in the U.S., in a specialized knowledge position.

In response to the RFE, the petitioner claimed that it would take eight years of on-the-job experience to gain knowledge similar to the advanced knowledge currently held by the beneficiary. Specifically, the petitioner claims that all journalists received the same type of training through collaboration and discussion with senior editors, thereby becoming versed in the company's "voice." Although the petitioner claims that this experience, gained in the London office, eventually qualifies each

individual as a [REDACTED] journalist," only a select few go on to become "[REDACTED] opinion formers" like the beneficiary.

The record is devoid of any documentary evidence to support the petitioner's claim. In addition, the claims are vague and somewhat confusing with regard to the nature of the training and/or experience instilled on select journalists who eventually go beyond that of a standard journalist within the petitioner's organization. The petitioner contends that the beneficiary, through her years of experience, is now an "opinion-former" and member of a key group of elevated employees who contribute to the voice of the publication by writing leaders and op-eds for its first 5-6 pages. However, despite the director's request for clarification on this issue, the petitioner failed to provide any details with regard to the nature in which the beneficiary's knowledge is set apart, or elevated from, other similarly-employed journalists within the petitioner's organization.

For example, the petitioner contends that it takes eight years of experience working with the petitioner in London to gain knowledge equivalent to that of the beneficiary. However, the petitioner has failed to submit any documentary evidence pertaining to the other journalists employed by the petitioner and/or the foreign entity, their length of employment, and what if anything sets their knowledge at a level below that of the beneficiary. For a publication as expansive and reputable as the petitioner's, it is reasonable to believe that many of its journalists/ correspondents have remained on staff for eight years or more, thereby raising the question of how many other journalists possess the same or similar knowledge to that of the beneficiary. Absent evidence outlining the nature of the organization's staff and its organizational hierarchy identifying senior editors, journalists, and "opinion formers," it is impossible to accept the petitioner's unsupported claims that the beneficiary's knowledge is elevated to a level beyond that of other journalist employed by the petitioner and trained in the exact same manner. The petitioner has not provided examples of the beneficiary's work in support of its claim that she is an "opinion-former" or otherwise attempted to distinguish between the work product of regular and advanced journalists. Going on record without supporting 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'r 1998) (citing *Matter of Treasure Craft of California*, 14 I&N Dec. 190 (Reg. Comm'r 1972)).

In addition, the petitioner claims that the beneficiary has developed advanced knowledge of specialized publishing systems such as CCI NewsDesk 6.12 Editorial system, Drupal Web CDR with in-house customizations, Cold Fusion Web with in-house customizations, Thompson-Reuters Datastream financial data tools, Haver Analytics, financial data tools and Factiva research tools. The petitioner further contends that the beneficiary's knowledge of these publishing systems, which are tailored uniquely for the petitioner's use, contributes to her claimed advanced knowledge and is not readily possessed by other journalists in the field. Again, as discussed briefly above, there is no evidence to support the petitioner's claim that the beneficiary possesses special or advanced knowledge of these systems. Other than the petitioner's letters and counsel's appeal brief, there is no independent documentary evidence outlining the nature of these systems, the manner in which they are used, the length of time it takes to be trained, or other supporting evidence, such as training/usage manuals, handbooks, or actual evidence of the beneficiary's work product produced by using these systems. Merely claiming that the beneficiary possesses specialized knowledge of various "systems," without documentary evidence explaining the nature and complexity of such systems, is

insufficient to establish special or advanced knowledge in this matter. Moreover, the record contains no evidence to corroborate the petitioner's claim that these systems are exclusive to the petitioner's company and not utilized by other journalists in the field. Again, going on record without supporting 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 (citing *Matter of Treasure Craft of California*, 14 I&N Dec. 190).

Finally, it is noted that the petitioner claims that the beneficiary's academic background and training contribute to her specialized knowledge. However, there is little or no connection to the beneficiary's various scientific degrees and the nature in which they attribute to her special or advance knowledge of the petitioner's processes or procedures. The petitioner states repeatedly that, while there is no formal training program offered to its employees, all employees receive hands-on training through mentoring and collaboration with other journalists or senior editors.

Therefore, while the beneficiary's academic training undoubtedly familiarized her with the subject matter she was reporting abroad, the record establishes no distinct connection between the beneficiary's academic training and her claimed advanced knowledge of the petitioner's internal processes and procedures. Moreover, her proposed position in the United States as Midwest Correspondent requires her to report on various political, business, environmental, and education subject in the Chicago area. As a result, the nature of her scientific academic training as it relates to her claimed specialized knowledge is unclear.

In visa petition proceedings, the burden is on the petitioner to establish eligibility. *Matter of Brantigan*, 11 I&N Dec. 493 (BIA 1966). The petitioner must prove by a preponderance of evidence that the beneficiary is fully qualified for the benefit sought. *Matter of Chawathe*, 25 I&N Dec. at 376. In evaluating the evidence, eligibility is to be determined not by the quantity of evidence alone but by its quality. *Id.*

The AAO acknowledges the petitioner's preference to transfer a journalist/correspondent from the foreign entity and does not doubt that the beneficiary is highly qualified to perform the duties of the position. However, the petitioner has failed to establish through submission of relevant, probative evidence that the beneficiary possesses either a special knowledge of the petitioner's product and its application in international markets, or an advanced level of knowledge of the company's processes and procedures. Accordingly, the appeal will be dismissed.

#### IV. Conclusion

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 the petitioner has not met that burden.

**ORDER:** The appeal is dismissed.