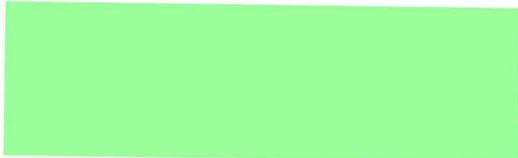


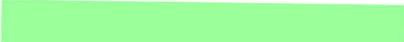


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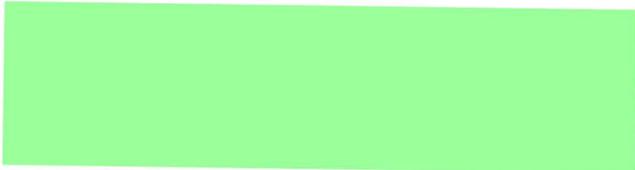


DATE: **APR 01 2014** Office: CALIFORNIA SERVICE CENTER 

IN RE: Petitioner:   
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)

ON BEHALF OF PETITIONER:



INSTRUCTIONS:

Enclosed please find the decision of the Administrative Appeals Office (AAO) in your case.

This is a non-precedent decision. The AAO does not announce new constructions of law nor establish agency policy through non-precedent decisions. If you believe the AAO incorrectly applied current law or policy to your case or if you seek to present new facts for consideration, you may file a motion to reconsider or a motion to reopen, respectively. Any motion must be filed on a Notice of Appeal or Motion (Form I-290B) within 33 days of the date of this decision. **Please review the Form I-290B instructions at <http://www.uscis.gov/forms> for the latest information on fee, filing location, and other requirements. See also 8 C.F.R. § 103.5. Do not file a motion directly with the AAO.**

Thank you,

  
Ron Rosenberg  
Chief, Administrative Appeals Office

**DISCUSSION:** The Director, California Service Center, denied the nonimmigrant visa petition, and the matter is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

The petitioner filed the nonimmigrant petition to classify the beneficiary as an L-1B 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 is a Delaware corporation established in 2000 that is engaged in developing and manufacturing antenna for electronic devices. The petitioner states that it is the parent company of the beneficiary's foreign employer, [REDACTED] located in Shanghai, China. The petitioner seeks to employ the beneficiary as a senior mechanical engineer.

The director denied the petition, concluding that the petitioner failed to establish that the beneficiary possesses specialized knowledge or that he has been employed abroad, and would be employed in the United States, in a position requiring specialized knowledge.

The petitioner subsequently filed an appeal. The director declined to treat the appeal as a motion and forwarded the appeal to the AAO. On appeal, counsel asserts that the director failed to consider certain probative evidence and contends that the record is sufficient to establish that the beneficiary possesses specialized knowledge and that he has been and would be employed in a position requiring this knowledge.

### 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 parent, subsidiary, or affiliate of the foreign employer.

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 Issue on Appeal

The sole issue to be addressed is whether the petitioner established that the beneficiary possesses specialized knowledge and whether he has been employed abroad, and would be employed in the United States, in a position requiring specialized knowledge.

### A. Facts

The petitioner states that it designs and manufactures high performance, embedded antennas for a wide range of wireless devices and that it has been selected by various major companies around the world to provide these antennas. The petitioner explains that the company has patented [REDACTED] ( [REDACTED] which provides manufacturers with "optimized antenna size and performance, while exceeding safety emission requirements." The petitioner states that the company maintains a global network of design centers and manufacturing operations, including facilities in Shanghai, China, where the beneficiary is employed, and also in Korea, Denmark, Taiwan and the United States. The petitioner states that it employs 42 persons in the United States and many other employees abroad, and that it earned \$49 million in revenue in 2011.

In a letter submitted in support of the Form I-129 Petition for a Nonimmigrant Worker, the petitioner stated that the beneficiary has approximately 18 months of experience with its Chinese subsidiary, where he is

currently employed as a senior mechanical engineer. The petitioner provided the following statement regarding the beneficiary's experience with the company:

Through his employment with the [foreign entity], [the beneficiary] has acquired specialized knowledge of the company's proprietary active antenna systems and related technologies, and has become a mechanical design specialist contributing to the innovation of our active antenna systems to meet today's and tomorrow's wireless designs. As a Senior Mechanical Engineer, [the beneficiary] is responsible for developing, verifying and optimizing the mechanical design of the antenna systems. In order to execute his tasks, [the beneficiary] applies his highly advanced and specialized knowledge of [the company's] high performance, embedded antennas for a wide range of wireless devices, as well as his educational background (a Bachelor's degree in Metal Pressure Processing), combined with established engineering experience in [the company's] mechanical design processes, procedures and methods. He has in-depth knowledge and excellent understanding of customers' requirements, and how our customers use our systems to its full advantage. [The beneficiary] has accumulated such technical expertise through his experience with [the company's] antenna systems and customers, and this advanced level of knowledge cannot be easily transferred or taught to another individual.

The petitioner further explained that the beneficiary has been responsible for completing over forty design projects for the company during the previous year involving the implementation of the company's proprietary technology into customer products, including projects with [redacted]. The petitioner provided a comprehensive explanation of the beneficiary's duties abroad, indicating that such duties include, but are not limited to: researching and analyzing design requirements and proposals, specifications and material data to determine the feasibility of a design or application; proposing alternate solutions to problems such as gap analysis compared to design requirements; prioritizing, delegating, and tracking performance and documentation of analyses of mechanisms and systems; and serving as a technical expert for corrective actions while coordinating with cross functional groups to identify and implement solutions and drive strategic improvements. The petitioner also stated that the beneficiary investigates emerging technologies and develops concepts for future product designs, tests and validates solutions, and otherwise coordinates directly with customers to bring about a mutually acceptable solution for the customer, including providing drawings and "mock-ups" to these customers.

In sum, the petitioner stated that the beneficiary holds intimate knowledge of the company's proprietary [redacted] technology necessary to determine the "type of Flexible Printed Circuit (FPC) and what materials can be used to maintain and not impact the antenna's performance." The petitioner emphasized that the beneficiary would apply this same knowledge and perform similar duties during his assignment to the United States.

The director found the initial evidence submitted by the petitioner insufficient to establish that the beneficiary possesses specialized knowledge or that he has been or would be employed in a capacity requiring specialized knowledge. Consequently, the director issued a request for additional evidence (RFE) listing evidence the petitioner could submit to establish that the foreign entity employs the beneficiary in a position requiring

specialized knowledge, including the percentage of time that the beneficiary requires to perform his duties, an indication of whether others in the company have acquired the same special or advanced knowledge, and an explanation of how the knowledge required for the position is different from that possessed by other mechanical engineers employed by the company or other similarly experienced mechanical engineers in the petitioner's industry.

Further, the director requested additional evidence to establish that the beneficiary possesses specialized knowledge. The director suggested that the petitioner submit evidence to demonstrate the beneficiary's educational credentials, and a supervisor letter detailing the beneficiary's training or experience with the company. In addition, the director explained that the petitioner should indicate the amount of time required to acquire the knowledge, whether the knowledge is held by others in the organization, and whether the knowledge could be easily transferred or taught to another individual. The director also asked that the petitioner provide the total number of employees with the foreign employer who have acquired the same knowledge of the company's proprietary information, documentation demonstrating the specialized training completed by the beneficiary, and a comparison of the company's proprietary products with others in the field.

Furthermore, the director stated that the petitioner should submit, among other items, the following evidence to establish that it will employ the beneficiary in a specialized knowledge capacity: (1) information regarding the product, tool, process or procedure the beneficiary will use for each duty; and (2) the minimum preparation time required to perform the duties of the position including training and actual experience.

In response to the RFE, the petitioner submitted the following further explanation of the beneficiary's specialized knowledge capacity abroad:

The position of Senior Mechanical Engineer for the [foreign entity] grants [the beneficiary] the responsibility for antenna mechanical design, including the design, development, verification and optimization. [The beneficiary] is highly efficient and productive as a result of his specialized knowledge of [company] products and technology combined with his advanced level of knowledge of the company's antenna processes. For example, [the beneficiary] productivity in 2012 stood apart from all of the company's other mechanical engineers. Specifically, in 2012, of the company's 22 Mechanical Engineers, the average Mechanical Engineer participated in 19 design project proposals compared to the beneficiary's 69 project proposals. Further, the average Mechanical Engineer completed 6 projects per year that were selected by vendors compared to [the beneficiary's] completion of 22 projects for the year. There is no other Mechanical Engineer within the [company] in a comparable role who can demonstrate [the beneficiary's] high level of productivity and accuracy. Further, the beneficiary's role within the company is particularly critical because of its direct impact on both productivity and profitability.

[The beneficiary] acquired the specialized knowledge of active antenna systems for his current role after attaining solid academic foundation and work experience which has

molded him into a highly efficient Mechanical Engineer within the company. Since joining [the company], [the beneficiary] has gained further experience and knowledge in working in the manufacturing and correction processes of our products, which makes him as asset to the company. He lowers the design and manufacturing costs and shortens the delivery dates to our customers. [The beneficiary's] hands-on manufacturing experience is difficult to transfer to the U.S. as the manufacturing is a complex process. The design can affect the product, as well as the material vendors used, the production process, the workplace environment, and the quality control process for both the company and its vendors.

The petitioner additionally provided a letter from the beneficiary's supervisor [redacted] mechanical engineer manager, further explaining the specialized nature of the beneficiary's knowledge. [redacted] stated that the beneficiary was one of only two mechanical engineers with sufficient knowledge of Ansys software necessary to "run simulations." The petitioner stated that "[the beneficiary's] specialized knowledge of Ansys software is highly specialized coupled with his practical experience in mechanical engineering and analytical design, giving him a depth of knowledge of [the company's] products that is rare within the [company]." [redacted] indicated that it would take a mechanical engineer "a few months" to learn the basic operation of this software. [redacted] also explained that the beneficiary had special knowledge of [redacted] software, a design and modeling software utilized by the company, and that it would take several years for another engineer to "obtain the mastery level held by [the beneficiary]." The petitioner explained that its engineers have design experience, but do not have manufacturing experience on production and assembly that the beneficiary acquired while in China.

[redacted] additionally stated that [the beneficiary] was the only mechanical engineer in the company with specialized knowledge of flexible printed circuits (FPC) and their waterproof design. Again, [redacted] indicated that this knowledge was not available in the United States and would be effectively transferred through the beneficiary's assignment to the United States. [redacted] further emphasized that the beneficiary's knowledge and competence was superior to his colleagues based upon the high level of design projects he has completed when compared to his mechanical engineer colleagues. [redacted] stated that it would take another engineer at least eighteen months "before they would be able to work individually using [redacted] and meet the company's average designs per year." Lastly, Mr. [redacted] asserted that the beneficiary is one of only two mechanical engineers with the company with specialized knowledge of the "two shot process," a complex molding technique that the beneficiary would also transfer to mechanical engineers in the United States.

In support of these assertions, the petitioner submitted a chart comparing the beneficiary to two other mechanical engineers within the company, one located in China and the other in the United States. For each technological category explained above, the petitioner noted that the beneficiary had an "advanced" or "outstanding" level of knowledge, whereas the beneficiary's two colleagues had no knowledge of "waterproof [redacted] antenna design," or "entry" and "medium" knowledge of key technologies such as the [redacted]. The petitioner also submitted explanations of trainings the beneficiary received in [redacted] software, [redacted] assembly and jig test design while employed with his prior employer, [redacted].

Lastly, petitioner provided an expert opinion from [REDACTED] a professor of mechanical engineering at [REDACTED] attesting to the advanced and specialized nature of the beneficiary's knowledge, stating that "the position of Senior Mechanical Engineer at [the company] is an advanced position that requires highly specialized training and knowledge of the employer's proprietary technologies, processes and methodologies." [REDACTED] also opined that "given the advanced, novel, and clearly proprietary nature of the company's core antenna system technology, it is my view that an otherwise competent engineer would be unable to successfully meet the requirements for the position, or (most notably) facilitate the necessary transfer of high-level product knowledge among the U.S. workforce."

The director ultimately denied the petition, concluding that the petitioner had failed to establish that the beneficiary possesses specialized knowledge or that he has been or would be employed in a capacity requiring specialized knowledge. In denying the petition, the director stated that the petitioner's duties were the same, if not similar, to those listed for a mechanical engineer in the Department of Labor's Occupational Outlook Handbook (OOH) thereby suggesting that the beneficiary's knowledge is not sufficiently special or advanced. The director indicated that the petitioner had failed to compare and contrast the beneficiary with similarly placed colleagues both within and outside the company to demonstrate the unique nature of his knowledge. The director further concluded that the petitioner had not articulated how the beneficiary's training resulted in his specialized knowledge.

On appeal, counsel states that the director failed to consider certain probative evidence, including the comparison of the beneficiary to other experienced mechanical engineers within the company and the expert opinion submitted by Professor [REDACTED]. Counsel contends that the director mistakenly compared the beneficiary to a common mechanical engineer and failed to consider that the beneficiary's positions, both abroad and in the United States, require highly specialized knowledge of the company's proprietary antenna technologies. Counsel asserts that the beneficiary has contributed to technological innovation for the company and that his skills are required to transfer specialized knowledge to the United States. In sum, counsel states that the petitioner has established by a preponderance of the evidence that the beneficiary possesses specialized knowledge, and that has been and will be employed in a specialized knowledge capacity.

#### B. Analysis

Following a review of counsel's assertions and the evidence submitted, the petitioner has not established that the beneficiary possesses specialized knowledge or that he will be employed in a specialized knowledge capacity as defined at 8 C.F.R. § 214.2(l)(1)(ii)(D).

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. 369, 376 (AAO 2010). In evaluating the evidence, eligibility is to be determined not by the quantity of evidence alone but by its quality. *Id.* 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.

In order to establish eligibility, the petitioner must show that the individual's prior year of employment abroad was in a position involving specialized knowledge. 8 C.F.R. § 214.2(l)(3)(iii). The statutory definition of specialized knowledge at Section 214(c)(2)(B) of the Act is comprised of two equal but distinct subparts. 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.

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. 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.

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 advanced or special, and that the beneficiary's position requires such knowledge.

In the present matter, the petitioner has not sufficiently articulated the nature of the beneficiary's specialized knowledge or corroborated it with supporting evidence. The petitioner repeatedly states that the beneficiary holds specialized knowledge of its proprietary [REDACTED] and other third party software such as [REDACTED]. However, the petitioner does not detail how the beneficiary acquired this knowledge during his 18 months of employment with the foreign entity, nor has it adequately distinguished the beneficiary's knowledge from that possessed by other similarly-employed workers within the company and within the petitioner's industry. The petitioner does not claim that [REDACTED] are specific or proprietary to its organization, and in fact indicates that the beneficiary acquired his knowledge in these areas prior to commencing employment with the foreign entity.

In fact, although the petitioner asserts that the beneficiary holds over ten years of experience in the industry, the record provides little detail on the nature of the beneficiary's job experience prior to the commencement of his employment with the foreign entity less than two years prior to the date of filing. As such, the record provides only a snapshot of the beneficiary's asserted experience. The petitioner also provides little supporting evidence to substantiate the beneficiary's claimed special and advanced knowledge. Although the petitioner has provided training records for the beneficiary indicating training he received in [REDACTED] and [REDACTED], these records also indicate that a number of other engineers received this training at this company, thereby suggesting that knowledge of these technologies is

not as uncommon as asserted by the petitioner. While it is possible that the petitioner does not offer the exact same training in these technologies, the petitioner nevertheless suggests that its mechanical engineers use [REDACTED] design techniques in performing their duties; the petitioner has stated that such knowledge is required for the beneficiary's position. The limited evidence submitted indicates that such knowledge is not uncommon among engineers working in the petitioner's industry. To the extent that the beneficiary's knowledge of [REDACTED] is more advanced, it may be as a result of his experience with an unrelated employer, and has not been shown to result from his training or experience with the foreign entity.

Further, the petitioner's supervisor explains that working knowledge of Ansys software can be obtained in "six to nine months" and knowledge of [REDACTED] in "several weeks," an amount of time not indicative of the acquisition of specialized knowledge. Indeed, in light of these timelines, the beneficiary's prior training with Laird, and his relatively brief tenure with the petitioner's organization, the record supports a conclusion that another mechanical engineer could be readily trained in these technologies without significant burden, and that other mechanical engineers working for unrelated companies already have similar training.

The petitioner contends that the beneficiary has gained a mastery of the company's proprietary products that is special and unique within the company and that he is uncommonly productive, working at a rate more than three times that of the other mechanical engineers at the company. The petitioner explains that this is due to the beneficiary's "high level of productivity and accuracy" as compared to his colleagues. However, the petitioner does not sufficiently detail how the beneficiary gained this significantly superior level of knowledge and efficiency over his colleagues during the previous 18 months. The petitioner has also not provided any supporting documentation to substantiate this contention. Likewise, the petitioner asserts that the beneficiary has contributed to proprietary innovations at the company, but again, fails to detail or document these innovations. Additionally, the petitioner states that the beneficiary is set apart from his colleagues due his unique knowledge of manufacturing and production obtained while working in China. However, the petitioner does not explain the specific nature of this manufacturing and production knowledge and how the beneficiary obtained this knowledge while his other mechanical engineer colleagues with the foreign company, in this case four others, did not also obtain this knowledge while being employed in the Chinese office.

Lastly, the petitioner asserts that the beneficiary will transfer his specialized knowledge to his colleagues in the United States, including the unexplained Chinese manufacturing and production knowledge and knowledge of the [REDACTED] and [REDACTED]. However, the petitioner's description of the beneficiary's duties does not state that he will be responsible for transferring knowledge to his U.S. colleagues. The beneficiary's duties indicate that he will be engaged in a role directly supporting customers, not mentoring or supervising other mechanical engineers, and transferring specialized knowledge to these employees. Also, the petitioner has not specifically explained how this knowledge will be transferred. In sum, the petitioner has not provided sufficient detail or supporting documentation to demonstrate the nature of the beneficiary's specialized knowledge, how such knowledge is typically gained within the organization, or how and when the beneficiary gained such knowledge. 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)).

The petitioner has also failed to provide a meaningful comparison of the beneficiary to his peers within, and outside, the company. As noted, the petitioner states that the beneficiary works at an enhanced level of productivity compared to his mechanical engineer colleagues, but fails to specifically explain how this is the case. Further, the petitioner notes that the beneficiary is one of only two engineers with knowledge of [REDACTED] software, but, as noted above, the beneficiary appears to have acquired knowledge of this third-party software while employed by an unrelated company. If the knowledge is in fact required to perform the duties of a mechanical engineer within the petitioner's group of companies, it is unclear why the knowledge is not held by other mechanical engineers who have longer tenures with the company.

Further, although the petitioner provides a table detailing the beneficiary's knowledge in various relevant technological categories as compared to a mechanical engineer in China and a senior mechanical engineer in the United States, the petitioner does not explain why these employees were chosen for comparison. The petitioner also fails to detail the experience, education and training of these colleagues as necessary to give this comparison meaning. In fact, the petitioner's assertion that the beneficiary could gain mastery and incomparable knowledge of the company's proprietary tools is left unsupported without a demonstration of how the beneficiary specifically obtained this knowledge in 18 months. As such, although the petitioner has provided a specific comparison of the beneficiary against some of his colleagues, this comparison fails to demonstrate the beneficiary's specialized knowledge due to its lack of specificity and supporting documentation. Any proprietary qualities of the petitioner's process or product alone do not establish that any knowledge of this process is "specialized." Rather, the petitioner must establish that qualities of the company's process or product require its employees to have knowledge beyond what is common in the company or the industry, such that the knowledge can be considered "special" or "advanced." The AAO does not dispute that the beneficiary is a skilled and experienced employee who has been, and will be, a valuable asset to the company and that he is undoubtedly knowledgeable and experienced in the products of the company, but the petitioner has not substantiated that this knowledge is special or advanced.

On appeal, counsel also contends that the director failed to appropriately consider the expert opinion submitted by [REDACTED]. USCIS may, in its discretion, use as advisory opinions statements submitted as expert testimony. See *Matter of Caron Int'l.*, 19 I&N Dec. 791, 795 (Comm'r. 1988). However, USCIS is ultimately responsible for making the final determination regarding an alien's eligibility for the benefit sought. The submission of letters from experts supporting the petition is not presumptive evidence of eligibility. *Id.*; see also *Matter of V-K-*, 24 I&N Dec. 500, n.2 (BIA 2008) (noting that expert opinion testimony does not purport to be evidence as to "fact"). USCIS may even give less weight to an opinion that is not corroborated or is in any way questionable. *Matter of Caron Int'l.*, 19 I&N Dec. at 795. Furthermore, merely repeating the language of the statute or regulations does not satisfy the petitioner's burden of proof. *Fedin Bros. Co., Ltd. v. Sava*, 724 F. Supp. at 1108.

The AAO does not question that [REDACTED] opinion was given in good faith. However, the opinion does not overcome the evidentiary insufficiencies present in the record. For instance, although the opinion articulates that the petitioner's proprietary concepts are "materially different" from those otherwise available on the open market, establishing knowledge as proprietary does not demonstrate that knowledge is special or advanced. In fact, as is critical to demonstrating specialized knowledge, the expert opinion fails to explain

how the beneficiary's knowledge of the company's products or processes is special or advanced, beyond simply articulating that the beneficiary has knowledge of proprietary concepts, that he acts within a senior position, and that is commonplace for companies with specialized engineering knowledge to transfer this knowledge throughout the organization using individuals. Additionally, although this office does not doubt [REDACTED] credentials in the field of mechanical engineering, the opinion also does not demonstrate how he is qualified to opine on the specifics of wireless antenna technology and the beneficiary's asserted specialized knowledge position within this field. Therefore, despite adding some probative value, the expert opinion of [REDACTED] is not sufficient to overcome the evidentiary insufficiencies previously articulated in this decision.

In conclusion, the petitioner has failed to provide a sufficiently specific explanation of the beneficiary's specialized knowledge. Although the petitioner repeatedly states that the beneficiary's knowledge of the petitioner's proprietary concepts is special and advanced, the record fails to demonstrate that this knowledge is special or advanced as compared to his similarly placed colleagues. 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.

Based on the foregoing, the petitioner has not demonstrated that the beneficiary possesses specialized knowledge or that he has been or would be employed in a specialized knowledge capacity. For this reason, the appeal will be dismissed.

### III. Conclusion

The appeal will be dismissed for the above stated reasons. In visa petition proceedings, it is the petitioner's burden to establish eligibility for the immigration benefit sought. Section 291 of the Act, 8 U.S.C. § 1361; *Matter of Otiende*, 26 I&N Dec. 127, 128 (BIA 2013). Here, that burden has not been met.

**ORDER:** The appeal is dismissed.