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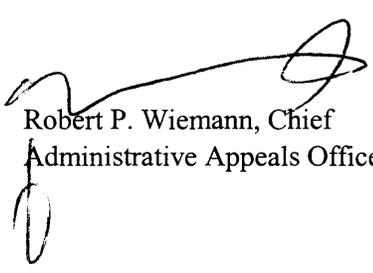
IN RE: Petitioner:  
Beneficiary:

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:

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, Chief  
Administrative Appeals Office

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

The petitioner filed this nonimmigrant petition seeking to employ the beneficiary as an L-1B nonimmigrant intracompany transferee with specialized knowledge pursuant to section 101(a)(15)(L) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1101(a)(15)(L). The petitioner, a Delaware corporation, claims that it is engaged in the development and marketing of land record management software application. It states that it is a subsidiary of [REDACTED], located in Nova Scotia, Canada. The petitioner seeks to employ the beneficiary as an application specialist.

The director denied the petition concluding that the petitioner has not established that the beneficiary possesses specialized knowledge, or that she would be employed in the United States in a specialized knowledge capacity.

The petitioner subsequently filed an I-290B Notice of 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 asserts that the director improperly concluded that the beneficiary lacks specialized knowledge. Counsel claims that the director imposes inappropriate requirements on the L1-B classification. Counsel submits a brief and additional evidence in support of the appeal.

To establish L-1 eligibility, the petitioner must meet the criteria outlined in section 101(a)(15)(L) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1101(a)(15)(L). Specifically, within three years preceding the beneficiary's application for admission into the United States, 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. 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) further states that an individual petition filed on Form I-129 shall be accompanied by:

- (i) Evidence that the petitioner and the organization which employed or will employ the alien are qualifying organizations as defined in paragraph (l)(1)(ii)(G) of this section.
- (ii) Evidence that the alien will be employed in an executive, managerial, or specialized knowledge capacity, including a detailed description of the services to be performed.
- (iii) Evidence that the alien has at least one continuous year of full time employment abroad with a qualifying organization within the three years preceding the filing of the petition.
- (iv) Evidence that the alien's prior year of employment abroad was in a position that was managerial, executive or involved specialized knowledge and that the alien's prior education, training, and employment qualifies him/her to perform the intended

services in the United States; however, the work in the United States need not be the same work which the alien performed abroad.

At issue in this matter is whether the petitioner has established that the beneficiary possesses specialized knowledge, and that she would be employed in the United States in a specialized knowledge capacity.

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 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 petition in this matter was filed on November 12, 2003. In a letter dated October 30, 2003, the petitioner stated that the company "creates, markets, and supports proprietary software applications which manage and analyze information relating to land records."

The petitioner submitted a brochure that briefly outlines the company's services. With respect to the beneficiary's current role, the petitioner stated:

[The beneficiary] has been employed by NovaLIS Canada from October 21, 2002 to the present. . . . [Her] present title is Application Specialist; she is one of only four senior technical leads working with the proprietary suite of NovaLIS software applications, including Assessment Office, Land Deeds Office, and Land Title Office. [The beneficiary's] duties at our Canadian parent company have included serving as technical lead on projects to customize our product and implement it at client sites; demonstrating products; assisting in request for proposal benchmark events, documentation and presentations; and providing technical training to client staff and business partners within the NovaLIS suite of products.

In performing these duties in the course of her employment with us, [the beneficiary] has developed specialized knowledge about our proprietary products. For each of our products, she is familiar with the potential uses, the various modifications which can be made, the work required to implement various modifications, and the steps necessary to implement the products at client sites.

The petitioner further stated that it is seeking to employ the beneficiary in the same role, performing the same services described above, and that she would be "direct[ing] projects including customizing the company's

applications to clients' specifications and needs, implementing them at client sites, and providing training as needed by client personnel." The petitioner also submitted incorporation and ownership documentation for the U.S. entity, a company brochure, a statement of wages paid to the beneficiary in 2002, and a copy of the beneficiary's resume.

On January 13, 2004, the director issued a request for further evidence (RFE). Specifically, the director instructed the petitioner as follows:

- Submit evidence relating to the unique methodologies, tools, programs, and/or applications that your company uses. Evidence may include your company's brochure or other literature describing the tools your company uses. Please describe in detail how these are different from the methodologies, tools, programs and/or applications used by other companies.
- Explain, in more detail, exactly what is the equipment, system, product, technique or service of which the beneficiary of this petition has specialized knowledge, and indicate if it is used or produced by other employers in the United States and abroad.

Training records:

Provide the following evidence and any other documentation that you feel will present an accurate description of the training required for the position.

- Please submit a record – as opposed to merely a letter – from your human resources department detailing the manner in which the beneficiary has gained his/her specialized knowledge. Documentation should indicate the pertinent training courses in which the beneficiary has been enrolled while working at your company, as well as the duration of the courses, the number of hours spent taking the courses each day, and certificates of completion of these courses.
- Indicate the minimum amount of time required to train an employee to fill the proffered position. Specify how many workers are similarly employed by your organization. Of these employees, please indicate how many have received training comparable to the training administered to the beneficiary.
- If the petitioner is seeking to bring the beneficiary to the U.S. to provide training in the area of his or her claimed specialized knowledge, describe in detail the training that the beneficiary will give other workers.
- If the beneficiary will be receiving training upon his or her arrival in the U.S., describe in detail the scope and length of such training.

The director also requested (1) a copy of the foreign company's organizational structure, showing where the beneficiary's position falls within the company and the levels of supervision and the number and types of positions the beneficiary supervises; (2) a copy of the U.S. company's organizational structure, showing where the beneficiary's position would fall within the company and the levels of supervision and the number and types of

positions the beneficiary would supervise; (3) payroll records to substantiate the staffing described for each company; and (4) a list with the names, position descriptions and titles of all L-1B specialized knowledge employees transferred to the U.S. location within the last 12 months who are still at the U.S. location.

The petitioner responded to the RFE on February 17, 2004. With respect to the company's products and services, the petitioner stated:

We develop, market, implement and support proprietary software applications which automate various land records. [The beneficiary] is most experienced specifically with our application "Land Development Office." . . . This product is utilized by governmental land records agencies to automate land management practices, including permitting and development records; code compliance; subdivision approvals; licensing; inspections; plan review; and zoning. This application is usually purchased by a governmental unit for use by several departments, for example, building, zoning, planning, and development, which must frequently maintain separate manual records systems. Our Land Development Office product enables them to combine all records relating to Land Development into one automated system to service all departments. . . . While each of our application specialists concentrates their expertise on one product, they must also have basic familiarity with the full NovaLIS suite of proprietary products . . . As many of these technologies are proprietary, no one would have gained the requisite experience with a different employer.

The petitioner submitted a promotional brochure which describes in brief the company's Land Development Office product.

With respect to the beneficiary's training, the petitioner stated that as a small company, it does not maintain any formal training record. The petitioner did submit copies of certificates of completion for the beneficiary in two courses entitled "Introduction to Land Records Framework 8.1 Training Course" and "Advanced Land Records Framework 8.1 Training Course." The petitioner explained that these courses are designed to give its staff a basic introduction to the company's applications. The petitioner further described the beneficiary's training process as comprising three phases. First, during a three-month period, under supervision, the beneficiary developed the technical skills required to configure, customize, and install the NovaLIS products through actual use of the NovaLIS tools and technologies until she had gained technical proficiency. Thereafter, the beneficiary spent about four months in which she was assigned to assist in the installation of the NovaLIS suite of products at a client site until she has gained enough proficiency to install the products and conduct training of client personnel independently. Finally, for a period of two to three months, she developed her knowledge and skill in the Novalis "business area analysis" process by attending on-site workshops to assess clients' needs as an assistant to a NovaLIS Senior Applications Specialist, until she was deemed capable of conducting such workshop independently. The petitioner stated that one full year after she had been employed by NovaLIS, the beneficiary was deemed sufficiently proficient to be given her first assignment of full responsibility at a client site.

The petitioner indicated that the minimum amount of time required to train an employee to be fully competent to fill the responsibilities of the beneficiary's position is approximately one year, and that the training period that the beneficiary underwent is typical training for new employees who hold the title of "senior applications specialist" for any of its products. The petitioner stated that it has one other employee with the title of senior applications

specialist who underwent a similar training program over a similar period of time. This person specializes in a different product called "Assessment Office" and is currently in the United States on an L-1B work authorization, having been transferred to the U.S. office within the previous 12 months.

The petitioner stated that there are nine employees who are trained in the Land Development Office product line. In addition to the beneficiary, there is a land development office services manager, a project manager, five applications specialists, and one contract employee. Based on the organizational chart of the foreign company, the land development office services manager apparently supervises all other employees working with that product line. The project manager, according to the petitioner, holds a position similar to that of the senior applications specialist, but with a managerial rather than technical role. The petitioner stated that the applications specialists are not trained in performing business requirements or business area analysis.

The petitioner provided organizational charts for the foreign entity and the U.S. entity and copies of the beneficiary's Personnel Status/Change Forms, indicating that she began her employment with the foreign entity on October 21, 2002 with the title "Applications Specialist," and on October 14, 2003, her title was changed to "Senior Applications Specialist." The petitioner did not submit payroll records for the foreign and U.S. entities as the director requested.

The director denied the petition on March 16, 2004. The director found the evidence does not establish that the beneficiary's duties warrant the expertise of someone possessing truly specialized knowledge. Noting that the beneficiary was hired by the petitioner in October of 2002 and was in training from that time until shortly before the petition was filed in November 2003, the director found that "[t]his fact tends to support the idea that her knowledge is not advanced. The beneficiary does not have an exclusive basis of knowledge in the company's systems or services. There is no evidence that the beneficiary's knowledge is uncommon, noteworthy, or distinguished by some unusual quality and is not generally known by practitioners in the field." The director concluded that the petitioner has not established that the beneficiary possesses specialized knowledge or that she will be employed in a specialized knowledge capacity.

On appeal, counsel for the petitioner asserts that the director's decision incorrectly requires more than one year of employment at the foreign company. Counsel maintains, "the regulation requires only that the alien be employed at the foreign company for one year 'in a position that . . . involved specialized knowledge' [and] does not require the alien to have been fully proficient in the specialized knowledge throughout the entire course of the year of employment at the foreign company." Counsel contends that since an employee would be unlikely to possess specialized knowledge about a company's processes and procedures before working there, such a requirement would result in requiring the employee to work at the foreign company for more than a year, which would be "beyond the authority of the regulation."

Counsel also asserts that in denying the petition in part because "the beneficiary does not have an exclusive basis of knowledge in the company's systems or services," the director's decision erroneously requires the advance knowledge to be narrowly held through out the company. Counsel cites to a 1994 legacy Immigration and Naturalization Service (INS) memorandum which provides guidance in interpreting the current statutory and regulatory definitions, stating that "the statute does not require that the advanced knowledge be narrowly held throughout the company, only that the knowledge be advanced." See Memorandum from James A. Puleo, Acting

Executive Assoc. Commissioner, Office of Operations, Immigration and Naturalization Service, *Interpretation of Special Knowledge*, CO 214L-P, (Mar. 9, 1994)("Puleo memorandum").<sup>1</sup>

Again relying on the Puleo memorandum, counsel asserts that the director's decision improperly compares the duties of the beneficiary's position with the duties of others in similar jobs in the industry and fails to consider the specialized knowledge required to perform the duties of this particular job. Finally, counsel contends that it would be significant hardship for the petitioner to have to train a U.S. employee to assume the duties of the beneficiary. Counsel submits a copy of the Puleo memorandum and a letter in support of the petition from a U.S. business partner of the petitioner.

On review, the AAO finds the record does not sufficiently establish 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), or that she was employed by the foreign entity or would be employed by the United States entity in a specialized knowledge capacity.

Preliminarily, the AAO acknowledges counsel's assertion that there is no statutory or regulatory requirement that the beneficiary be "fully proficient in the specialized knowledge throughout the entire course of [a] year of employment at the foreign company" prior to the filing of a nonimmigrant intracompany transferee petition requesting classification as a specialized knowledge worker. However, counsel's assertion is not persuasive.

Section 101(a)(15)(L) of the Act states:

...an alien who, within 3 years preceding the time of his application for admission into the United States, has been employed continuously for one year by a firm or corporation or other legal entity or an affiliate or subsidiary thereof and who seeks to enter the United States temporarily in order to *continue to* render his services to the same employer or a subsidiary or affiliate thereof in a capacity that is managerial, executive or involves specialized knowledge.

(Emphasis added.)

In order to "continue to" render services in a capacity that is managerial, executive, or involves, specialized knowledge, it is necessary for the beneficiary to have been employed in one of these qualifying capacities during his or her employment abroad. Contrary to counsel's contentions, the evidentiary requirements for the filing of an

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<sup>1</sup> It must be noted that in making a determination as to whether the knowledge possessed by a beneficiary is special or advanced, the AAO relies on the statute and regulations, legislative history and prior precedent. Although counsel places emphasis on the above-referenced Puleo memorandum, the memorandum was issued as guidance to assist Citizenship and Immigration Services (CIS) employees in interpreting a term that is not clearly defined in the statute, not as a replacement for the statute or the original intentions of Congress in creating the specialized knowledge classification, or to overturn prior precedent decisions that continue to prove instructive in adjudicating L-1B visa petitions. Merely establishing that the facts of the instant petition resemble a particular example provided in the 1994 memo is insufficient to establish that the beneficiary qualifies for this visa classification. The AAO will weigh guidance outlined in policy memoranda accordingly, but not to the exclusion of the statutory and regulatory definitions, legislative history or prior precedents.

L-1 petition, as set forth by the regulations at 8 C.F.R. § 214.2(l)(3)(iv), further confirm the petitioner's burden to establish that the beneficiary was employed in a qualifying capacity. Specifically, the petitioner is required to submit "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."

Therefore, the director's decision was not "beyond the authority of the regulation" as asserted by counsel. The petitioner clearly stated that "the minimum amount of time required to train an employee to be fully competent to fill the responsibilities of [the beneficiary's] position is approximately one year." Based on the petitioner's representations, the beneficiary, who joined the foreign entity on October 21, 2002, would have reached a minimum level of competence in her position approximately two weeks before the petition was filed. Accordingly, the director reasonably concluded that the beneficiary's previous twelve months of employment did not involve one full year of employment which would be considered to be at the level of a "specialized knowledge" employee. Even if the beneficiary's period of training could be considered to "involve" specialized knowledge, as discussed further below, the L-1B visa classification was not intended for employees who are minimally qualified to perform their stated duties.

The AAO also acknowledges counsel's argument that the director's decision creates a de facto requirement that the beneficiary have been employed by the foreign entity for more than one year. It must be noted that the regulations require evidence that the qualifying year of employment be in a managerial or executive capacity, or in a capacity requiring specialized knowledge. Therefore, if some portion of the beneficiary's foreign employment is not in a qualifying capacity, an employee who has been employed with a qualifying entity for many years may not meet this eligibility requirement. A determination as to whether a beneficiary was employed *in a qualifying capacity* for the requisite one-year period must necessarily be made on a case-by-case basis. In this case, the petitioner's stated one-year training requirement for the type of position offered effectively made it impossible to find that the beneficiary, after a little over twelve months of employment, could have been employed in a position involving specialized knowledge for one full year. To the extent that a requirement that the beneficiary be employed for more than one year was imposed, the petitioner's statements regarding its training program and the minimum requirements for the beneficiary's position imposed it.

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)).<sup>2</sup> As stated by the Commissioner in *Matter of Penner*, 18 I&N Dec. 49, 52 (Comm. 1982), when

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<sup>2</sup> Although the cited precedents pre-date the current statutory definition of "specialized knowledge," the AAO finds them instructive. Other than deleting the former requirement that specialized knowledge had to be "proprietary," the 1990 Act did not significantly alter the definition of "specialized knowledge" from the prior INS 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]

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, and that it would not include "lower categories" of workers or "skilled craft workers." *Matter of Penner*, 18 I&N Dec. 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)).

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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.

Reviewing the Congressional record, the Commissioner concluded in *Matter of Penner* that an expansive reading of the specialized knowledge provision, such that it would include skilled workers and technicians, is not warranted. The Commissioner emphasized that the specialized knowledge worker classification was not intended for "all employees with any level of specialized knowledge." *Matter of Penner*, 18 I&N Dec. at 53. Or, as noted in *Matter of Colley*, "[m]ost employees today are specialists and have been trained and given specialized knowledge. However, in view of the House Report, it can not be concluded that all employees with specialized knowledge or performing highly technical duties are eligible for classification as intracompany transferees." 18 I&N Dec. 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 all employees with specialized knowledge, but rather to "key personnel" and "executives.")

In the instant matter, the petitioner submitted descriptions of the beneficiary's employment in the foreign entity and her intended employment in the United States entity. However, the petitioner has not sufficiently documented that the job duties to be performed require specialized knowledge as defined at 8 C.F.R. § 214.2(l)(1)(ii)(D). The beneficiary's job descriptions are insufficiently detailed and do not distinguish her knowledge as more advanced or distinct among other specialists employed by the foreign or U.S. entities or by other unrelated companies. The petitioner initially described the beneficiary's duties at the foreign company in general terms such as "serving as technical lead on projects to customize our product and implement it at client sites; demonstrating products; assisting in request for proposal benchmark events, documentation and presentations; and providing technical training to client staff and business partners within the NovaLIS suite of products." Later, in response to the RFE, the petitioner indicated that the beneficiary's job responsibilities would be to "oversees the customization, implementation and acceptance of the Land Development Office application at our client sites, as well as post-implementation training of client personnel." Other than declaring that its products are proprietary, and that the beneficiary would be working with the Land Development Office products, the petitioner's descriptions of the beneficiary's current and proposed duties are too vague to demonstrate that beneficiary has been or would be required to utilize specialized knowledge of the petitioner's products, or advanced knowledge of its processes and procedures.

The petitioner stated that in the course of her employment with the foreign entity, the beneficiary "has developed specialized knowledge about [the company's] proprietary products," but the petitioner has not submitted evidence to establish that the beneficiary's familiarity with the petitioner's proprietary products alone is sufficient to constitute specialized knowledge. In the RFE, the director requested that the petitioner "[s]ubmit evidence relating to the unique methodologies, tools, programs, and/or applications that your company uses [and] describe in detail how these are different from the methodologies, tools, programs and/or applications used by other companies." The petitioner responded with a one-paragraph description of the company's products and also submitted a general promotional brochure on its Land Development Office applications. The petitioner further stated in its response to the RFE, "while our competitors offer their own applications for the automation of various types of lands records systems, none of their products are based on our proprietary applications and shell language; none of their applications interact with each other the way that ours do; and none of our competitors provide the customization that we do. Thus our products and services are unique in the lands records industry."

These assertions are not supported by documentary evidence that would establish that the petitioner's products and services are actually significantly different from those utilized by other companies in the same field.

The petitioner has not described with adequate specificity its own line of products and services, nor has it established how or whether its products and services differ from those offered by any other company. As such, the petitioner has not established how its "proprietary" methodologies and applications might be more than customized versions of standard practices used in the industry. 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. 1998) (citing *Matter of Treasure Craft of California*, 14 I&N Dec. 190 (Reg. Comm. 1972)). For this additional reason, the petitioner has not established that knowledge of its processes and procedures alone constitutes specialized knowledge. Moreover, failure to submit requested evidence that precludes a material line of inquiry shall be grounds for denying the petition. 8 C.F.R. § 103.2(b)(14).

Beyond the decision of the director, the AAO notes that the petitioner failed to comply with the director's RFE and, accordingly, has not established that the beneficiary has at least one continuous year of full-time employment abroad with the overseas company as required under 8 C.F.R. § 214.2(l)(3)(iii). Despite the director's specific request for payroll records, the petitioner failed to submit these critical documents, nor did the petitioner submit any other documentation that would sufficiently demonstrate that the beneficiary was employed full-time for one continuous year with the foreign entity. 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. Moreover, failure to submit requested evidence that precludes a material line of inquiry shall be grounds for denying the petition. 8 C.F.R. § 103.2(b)(14). For this additional reason, the petition will be denied.

An application or petition that fails to comply with the technical requirements of the law may be denied by the AAO even if the Service Center does not identify all of the grounds for denial in the initial decision. *See Spencer Enterprises, Inc. v. United States*, 229 F. Supp. 2d 1025, 1043 (E.D. Cal. 2001), *aff'd*. 345 F.3d 683 (9th Cir. 2003); *see also Dor v. INS*, 891 F.2d 997, 1002 n. 9 (2d Cir. 1989) (noting that the AAO reviews appeals on a *de novo* basis). When the AAO denies a petition on multiple alternative grounds, a plaintiff can succeed on a challenge only if she shows that the AAO abused its discretion with respect to all of the AAO's enumerated grounds. *See Spencer Enterprises, Inc. v. United States*, 229 F. Supp. 2d at 1043.

The petition will be denied for the above stated reasons, with each considered as an independent and alternative basis for denial. 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.