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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.

If you believe the law was inappropriately applied or you have additional information that you wish to have considered, you may file a motion to reconsider or a motion to reopen. Please refer to 8 C.F.R. § 103.5 for the specific requirements. All motions must be submitted to the office that originally decided your case by filing a Form I-290B, Notice of Appeal or Motion, with a fee of \$585. Any motion must be filed within 30 days of the decision that the motion seeks to reconsider or reopen, as required by 8 C.F.R. § 103.5(a)(1)(i).

Perry Rhew
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, a California corporation, filed this nonimmigrant visa petition seeking to employ the beneficiary as an L-1B 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 claims to be a subsidiary of DCD Korea, located in Seoul, Korea. The petitioner, a movie production and distribution company, seeks to employ the beneficiary in the position of producer 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 he has been or will be employed in a capacity involving specialized knowledge.

On appeal, counsel asserts that the director reached an erroneous conclusion based on the evidence submitted, and that the petitioner's business is dependent upon the beneficiary's "advanced and specialized knowledge of the Korean digital animation and computer graphics industries; his years of experience in the field; and the network of key personnel he has developed." Counsel submits a brief and additional evidence in support of the appeal.

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

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

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

managerial, executive or involved specialized knowledge and that the alien's prior education, training, and employment qualifies him/her to perform the intended services in the United States; however, the work in the United States need not be the same work which the alien performed abroad.

The sole issue addressed by the director is whether the petitioner established that the beneficiary has been or will be employed in a specialized knowledge capacity and whether the beneficiary possesses specialized knowledge. 8 C.F.R. §§ 214.2(l)(3)(ii) and (iv).

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

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

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

[S]pecial knowledge possessed by an individual of the petitioning organization's product, service, research, equipment, techniques, management or other interests and its application in international markets, or an advanced level of knowledge or expertise in the organization's processes and procedures.

On the Form I-129, Petition for a Nonimmigrant Worker, the petitioner stated that the beneficiary's role in the United States will be to "oversee all production and distribution of animated movies, television programs, computer and video games and programs."

In a letter submitted in support of the petition, the petitioner explained that the U.S. entity was established to facilitate animated co-productions between Hollywood and Korea across the film and television disciplines. The petitioner discussed the beneficiary's qualifications as follows:

The success of the operations of [the foreign entity] and [the petitioner] are dependent on the specialized knowledge of its key personnel. [The beneficiary] has the specialized knowledge and expertise in the areas of film production, distribution, and marketing that are vital to the success of these organizations. He has derived this knowledge through years of experience in the area of animated film production and distribution both within our organization and others. [The foreign entity] and [the petitioner] have ongoing production ventures for which [the beneficiary's] immediate presence is required.

[The beneficiary] will fill the position of Producer at [the petitioning company]. In this position he will be responsible for the production, distribution, marketing and production supervisor of various projects as listed on the Project List attached, and those future projects that the two

companies undertake from time to time. Specifically, the beneficiary will form production companies for each project undertaken, will establish limited liability company status for such companies during the life of the project and will terminate the companies once the project is completely distributed or licensed; he will handle all aspects of the project, from the creative to the conceptual, to the legal, financial, business and distribution of production. He will be in complete control of the project through its development, implementation, and creation with other partner producers. [The beneficiary] will be responsible for negotiating sufficient funds for the project, for ensuring that the project is kept on or under budget, for coordination of all departments involved with the project, for ensuring that the project remains on schedule. Once the project is completed, he will be responsible for marketing the project through making exhibition arrangements, negotiating and finalizing distribution deals, and exposing the final project to the end consumer and peer groups. He will be required to maintain regular communication with [the foreign entity] regarding the development and implementation of each project.

To perform these duties the Producer must have specialized knowledge in the areas of production, distribution and financing, particularly as they apply to the field of animated films, television shows and computer and F/X for films.

The petitioner stated that the beneficiary has been employed by the foreign entity in the position of producer since 2002, with responsibility for "negotiating, overseeing and implementing every area of the production process." With respect to the petitioner's activities, the petitioner stated that "the nature of the projects and the creative style thereof are unique to the Korean movie and digital graphics industry" and therefore "the position of Producer thereof cannot be filled by a person with general movie production knowledge and skills."

The petitioner submitted a company profile in which it outlined its projects in production. The petitioner indicates that its co-productions "combine the story telling expertise of Hollywood with the cost effective and efficient high quality of the Korean animation studios." The petitioner also submits a copy of the beneficiary's resume, in which he summarizes his experience in animation, commercial and video game production, and distribution, marketing and sales. The beneficiary indicates that from June 1997 until February 2003, he served as CEO and Founder of DAL: Digital Arts and Sciences Lab in the United States and Korea. The petitioner submitted a "certification of employment" from DCD Korea, dated June 28, 2004, which indicates that the beneficiary served in the position of "Head of Producer" since June 2003. The petitioner submitted copies of various agreements for film and other projects naming the petitioning company or foreign entity as producer.

On November 9, 2004, the director denied the petition. The director concluded that the petitioner failed to establish that the beneficiary possesses specialized knowledge or that the beneficiary has been or will be employed in a capacity involving specialized knowledge. The director found that the petitioner had not demonstrated how the beneficiary's knowledge in the areas of film production, distribution and marketing is different from or surpasses the ordinary or usual knowledge of other similarly experienced workers in the petitioner's industry. The director acknowledged that, although the beneficiary likely possesses valuable experience based on his ten years of relevant work experience, his knowledge does not amount to an

advanced level of expertise with respect to the petitioning organization's processes, and therefore does not constitute specialized knowledge as the term is defined in the Act. In this regard the director noted that the petitioner did not demonstrate that its parent company employs production, distribution and marketing techniques that are out of the ordinary in the industry.

On appeal, counsel asserts that the petitioner has satisfied the criteria for establishing that the beneficiary has been and will be employed in a specialized knowledge capacity. Counsel refers to the statutory and regulatory definitions of "specialized knowledge," and to a 1994 legacy Immigration and Naturalization Service (INS) memorandum which outlines possible characteristics of an alien who possesses specialized knowledge.¹ Counsel provides a detailed account of the beneficiary's employment history and projects to date, and states that the beneficiary "has been a key player in the digital animation industry in Korea" since 1997.

Counsel further states:

[The beneficiary] is and has been an essential and integral part of [the petitioner], [the foreign entity] and the Korean animation entertainment industry generally. His professional association with [the foreign entity] dates back to 2002 with his production of "Circus of Bremen" an animated 3D film

* * *

[The beneficiary's] role as Chief Producer for [the foreign entity] and [the petitioner] encompasses various disciplines, including negotiation and networking, management, and an understanding of the operations of the creative, technical and business ends of the entertainment industry, especially as it relates to digital animation. [The beneficiary] has a strong and credible presence in the digital entertainment industry and a strong and reliable network of necessary professionals. This is amply evidenced by the numerous contracts and deals that he has personally negotiated and finalized. He has an advanced knowledge and understanding of the digital animation and computer graphics industries in Korea and of the entertainment industry in Hollywood.

Counsel further indicates that "the specialized nature of the knowledge that [the beneficiary] possesses is manifest in the organizations that are willing to partner with him; the trust and confidence that these private organizations and the Korean government itself have placed in him through their endorsement of him and their investment in organizations in which he has an interest; and the execution and success of the project he has worked on and towards." Counsel contends that the beneficiary possesses "a unique combination of skills, qualifications and aptitudes," and "special and advanced knowledge of the product and process of the petitioner and its overseas parent company."

¹ See Memorandum of James A. Puleo, Acting Exec. Assoc. Comm., INS, "Interpretation of Special Knowledge" (March 9, 1994)(hereinafter "Puleo memorandum.")

In support of the appeal, the petitioner submits three letters of recommendation dated in May 2003. The AAO notes that all three letters appear to have been written in support of a prior H-1B classification petition filed on the beneficiary's behalf. The letters include a statement from [REDACTED], chief executive officer of FXDigital Co. Ltd., who states that the beneficiary "understands the digital animation and computer graphics industries in Korea and also the entertainment industry in Hollywood." The petitioner also submits a letter from [REDACTED] Director of the Planning and Management Bureau under the Ministry and Information and Communication of the Korean Government. [REDACTED] states that the Korean government is actively supporting Korea's digital animation and computer graphic industry because of growing worldwide market demand for the country's engineering skills and technologies. He states that it is his understanding that "[the beneficiary] is the only Korean person who has a good understanding of and networking in the Korean digital animation/computer graphics industry and also spent significant time building channels of promotion and marketing in the U.S." Similarly, [REDACTED] president of SOVIK Venture Capital Co. Ltd. in Korea, states that the beneficiary "is the first person with backgrounds in Korean high-tech industry who established a significant network and reputation in the Hollywood circles."

Upon review, the petitioner's assertions and evidence are not persuasive in demonstrating that the beneficiary has specialized knowledge or that he has been or will be employed in a specialized knowledge capacity as defined at 8 C.F.R. § 214.2(l)(1)(ii)(D).

The Standard for Specialized Knowledge

Looking to the language of the statutory definition, Congress has provided USCIS with an ambiguous definition of specialized knowledge. In this regard, one Federal district court explained the infeasibility of applying a bright-line test to define what constitutes specialized knowledge:

This ambiguity is not merely the result of an unfortunate choice of dictionaries. It reflects the relativistic nature of the concept special. An item is special only in the sense that it is not ordinary; to define special one must first define what is ordinary. . . . There is no logical or principled way to determine which baseline of ordinary knowledge is a more appropriate reading of the statute, and there are countless other baselines which are equally plausible. Simply put, specialized knowledge is a relative and empty idea which cannot have a plain meaning. *Cf.* Westen, *The Empty Idea of Equality*, 95 Harv.L.Rev. 537 (1982).

1756, Inc. v. Attorney General, 745 F.Supp. 9, 14-15 (D.D.C., 1990).²

² Although *1756, Inc. v. Attorney General* was decided prior to enactment of the statutory definition of specialized knowledge by the Immigration Act of 1990, the court's discussion of the ambiguity in the legacy Immigration and Naturalization Service (INS) definition is equally illuminating when applied to the definition created by Congress.

While Congress did not provide explicit guidance for what should be considered ordinary knowledge, the principles of statutory interpretation provide some clue as to the intended scope of the L-1B specialized knowledge category. *NLRB v. United Food & Commercial Workers Union, Local 23*, 484 U.S. 112, 123 (1987) (citing *INS v. Cardoza-Fonseca*, 480 U.S. 421, 107 S.Ct. 1207, 94 L.Ed.2d 434 (1987)).

First, the AAO must look to the language of section 214(c)(2)(B) itself, that is, the terms "special" and "advanced." Like the courts, the AAO customarily turns to dictionaries for help in determining whether a word in a statute has a plain or common meaning. *See, e.g., In re A.H. Robins Co.*, 109 F.3d 965, 967-68 (4th Cir. 1997) (using *Webster's Dictionary* for "therefore"). According to *Webster's New College Dictionary*, the word "special" is commonly found to mean "surpassing the usual" or "exceptional." *Webster's New College Dictionary*, 1084 (3rd Ed. 2008). The dictionary defines the word "advanced" as "highly developed or complex" or "at a higher level than others." *Id.* at 17.

Second, looking at the term's placement within the text of section 101(a)(15)(L) of the Act, the AAO notes that specialized knowledge is used to describe the nature of a person's employment and that the term is listed among the higher levels of the employment hierarchy together with "managerial" and "executive" employees. Based on the context of the term within the statute, the AAO therefore would expect a specialized knowledge employee to occupy an elevated position within a company that rises above that of an ordinary or average employee. *See 1756, Inc. v. Attorney General*, 745 F.Supp. at 14.

Third, a review of the legislative history for both the original 1970 statute and the subsequent 1990 statute indicates that Congress intended for USCIS to closely administer the L-1B category. Specifically, the original drafters of section 101(a)(15)(L) of the Act intended that the class of persons eligible for the L-1 classification would be "narrowly drawn" and "carefully regulated and monitored" by USCIS. *See generally* H.R. Rep. No. 91-851 (1970), reprinted in 1970 U.S.C.C.A.N. 2750, 2754, 1970 WL 5815. The legislative history of the 1970 Act plainly states that "the number of temporary admissions under the proposed 'L' category will not be large." *Id.* In addition, the Congressional record specifically states that the L-1 category was intended for "key personnel." *See generally, id.* The term "key personnel" denotes a position within the petitioning company that is "[o]f crucial importance." *Webster's New College Dictionary* 620 (3rd ed., Houghton Mifflin Harcourt Publishing Co. 2008). Moreover, 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." *See* 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 (Nov. 12, 1969).

Neither in 1970 nor in 1990 did Congress provide a controlling, unambiguous definition of "specialized knowledge," and a narrow interpretation is consistent with so much of the legislative intent as it is possible to determine. H. Rep. No. 91-851 at 6, 1970 U.S.C.C.A.N. at 2754. This interpretation is consistent with legislative history, which has been largely supportive of a narrow reading of the definition of specialized knowledge and the L-1 visa classification in general. *See 1756, Inc. v. Attorney General*, 745 F.Supp. at 15-16; *Boi Na Braza Atlanta, LLC v. Upchurch*, Not Reported in F.Supp.2d, 2005 WL 2372846 at *4 (N.D.Tex., 2005), *aff'd* 194

Fed.Appx. 248 (5th Cir. 2006); *Fibermaster, Ltd. v. I.N.S.*, Not Reported in F.Supp., 1990 WL 99327 (D.D.C., 1990); *Delta Airlines, Inc. v. Dept. of Justice*, Civ. Action 00-2977-LFO (D.D.C. April 6, 2001)(on file with AAO).

Further, although the Immigration Act of 1990 provided a statutory definition of the term "specialized knowledge" in section 214(c)(2) of the Act, the definition did not generally expand the class of persons eligible for L-1B specialized knowledge visas. Pub.L. No. 101-649, § 206(b)(2), 104 Stat. 4978, 5023 (1990). Instead, the legislative history indicates that Congress created the statutory definition of specialized knowledge for the express purpose of clarifying a previously undefined term from the Immigration Act of 1970. H.R. Rep. 101-723(I) (1990), reprinted in 1990 U.S.C.C.A.N. 6710, 6749, 1990 WL 200418 ("One area within the L visa that requires more specificity relates to the term 'specialized knowledge.' Varying interpretations by INS have exacerbated the problem."). While the 1990 Act declined to codify the "proprietary knowledge" and "United States labor market" references that had existed in the previous agency definition found at 8 C.F.R. § 214.2(l)(1)(ii)(D) (1988), there is no indication that Congress intended to liberalize its own 1970 definition of the L-1 visa classification.

If any conclusion can be drawn from the enactment of the statutory definition of specialized knowledge in section 214(c)(2)(B), it would be based on the nature of the Congressional clarification itself. By not including any strict criterion in the ultimate statutory definition and further emphasizing the relativistic aspect of "special knowledge," Congress created a standard that requires USCIS to make a factual determination that can only be determined on a case-by-case basis, based on the agency's expertise and discretion. Rather than a bright-line standard that would support a more rigid application of the law, Congress gave the INS a more flexible standard that requires an adjudication based on the facts and circumstances of each individual case. *Cf. Ponce-Leiva v. Ashcroft*, 331 F.3d 369, 377 (3d Cir. 2003) (quoting *Baires v. INS*, 856 F.2d 89, 91 (9th Cir. 1988)).

To determine what is special or advanced, USCIS must first determine the baseline of ordinary. As a baseline, the terms "special" or "advanced" must mean more than simply "skilled" or "experienced." By itself, work experience and knowledge of a firm's technically complex products will not equal "special knowledge." *See Matter of Penner*, 18 I&N Dec. 49, 53 (Comm. 1982). 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. In other words, specialized knowledge generally requires more than a short period of experience; otherwise special or advanced knowledge would include every employee in an organization with the exception of trainees and entry-level staff. If everyone in an organization is specialized, then no one can be considered truly specialized. Such an interpretation strips the statutory language of any efficacy and cannot have been what Congress intended.

Considering the definition of specialized knowledge, it is the petitioner's, not USCIS's, burden to articulate and prove that the beneficiary possesses "special" or "advanced" knowledge. Section 214(c)(2)(B) of the Act, 8 U.S.C. § 1184(c)(2)(B). 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. A petitioner's assertion that the beneficiary possesses advanced knowledge of the processes and procedures of the company must be supported by evidence describing and distinguishing that knowledge from the elementary or basic knowledge possessed by others. Because "special" and "advanced" are comparative terms, the petitioner should provide evidence that allows USCIS to assess the beneficiary's knowledge relative to others in the petitioner's workforce or relative to similarly employed workers in the petitioner's specific industry.

In examining the specialized knowledge of the beneficiary, the AAO will look to the petitioner's description of the job duties and the weight of the evidence supporting any asserted specialized knowledge. *See* 8 C.F.R. § 214.2(l)(3)(ii). The petitioner must submit a detailed job description of the services to be performed sufficient to establish specialized knowledge. At a minimum, the petitioner must articulate with specificity the nature of the claimed specialized knowledge. Merely asserting that the beneficiary possesses "special" or "advanced" knowledge will not suffice to meet the petitioner's burden of proof.

Analysis

Upon review, the petitioner in this case has failed to establish either that the beneficiary's position in the United States or abroad requires an employee with specialized knowledge or that the beneficiary has specialized knowledge.

Preliminarily, the AAO acknowledges that the beneficiary is undoubtedly a "key employee" within the petitioner's organization, and one who occupies an elevated position as head producer with the foreign entity. His value to the organization and his qualifications for the position of producer of the U.S. office are not in question. However, the determination as to whether he possesses specialized knowledge specific to the petitioning organization and is employed in a position requiring application of such knowledge is a separate issue that is unrelated to his status as a key employee.

Although the petitioner repeatedly asserts that the beneficiary has been and will be employed in a "specialized knowledge" capacity, the petitioner has not adequately articulated any basis to support this claim. The petitioner has failed to identify any special or advanced body of knowledge specific to the petitioning organization which would distinguish the beneficiary's role from that of other similarly experienced producers in the industry at-large. Going on record without documentary evidence is not sufficient for purposes of meeting the burden of proof in these proceedings. *Matter of Soffici*, 22 I&N Dec. 158, 165 (Comm. 1998) (citing *Matter of Treasure Craft of California*, 14 I&N Dec. 190 (Reg. Comm. 1972)). Specifics are clearly an important indication of whether a beneficiary's duties involve specialized knowledge; otherwise, meeting the definitions would simply be a matter of reiterating the regulations. *See Fedin Bros. Co., Ltd. v. Sava*, 724, F. Supp. 1103 (E.D.N.Y. 1989), *aff'd*, 905, F.2d 41 (2d. Cir. 1990).

The petitioner has stated that "the nature of the projects and the creative style thereof are unique to the Korean movie and digital graphics industry," but the petitioner has not provided any additional explanation as to how the beneficiary's familiarity with the Korean digital animation industry in general would constitute specialized knowledge that is particular to the petitioner's organization. In fact, the letters submitted on appeal, which pre-date the beneficiary's employment with the foreign entity, confirm that he acquired the claimed specialized knowledge prior to joining the petitioner's claimed parent company. While knowledge need not be proprietary in order to be considered specialized, the petitioner must still establish that the knowledge possessed by the beneficiary and utilized in the proposed position is in fact specific to the petitioning organization, and somehow different from that possessed by similarly-employed personnel in the industry. As noted by the director, the petitioner has not identified any aspect of its production, distribution and marketing techniques or methodologies that would set it apart from any other company in the industry, other than relying on unsupported assertions regarding the unique "creative style" of the Korean digital animation industry in general.

The beneficiary is also claimed to have a unique combination of skills, aptitudes and industry connections which span both the Korean digital animation industry and the Hollywood marketing and distribution industry. This combination of skills, experience and professional contacts undoubtedly makes the beneficiary valuable to the petitioner, but such characteristics are not indicative of special or advanced knowledge that the beneficiary gained with the petitioner's organization. Accordingly, despite the petitioner's claim, the record does not establish how, exactly, the beneficiary's knowledge materially differs from knowledge possessed by other experienced personnel employed as producers in the digital animation industry. The claim that the beneficiary is the "only Korean person" with knowledge of and connections within the Hollywood entertainment industry is not adequately supported by any documentary evidence, nor is such a claim relevant to an analysis of the claimed specialized knowledge. The beneficiary's experience working within specific entertainment industry sectors and his professional relationships with individual players within these sectors, has not been shown to have given him knowledge that can be considered specific to the petitioning organization.

On appeal, counsel for the petitioner asserts that the beneficiary meets several possible characteristics of an alien who possesses specialized knowledge, as outlined in the 1994 Puleo memorandum. Specifically, the petitioner states that the beneficiary possesses knowledge that is valuable to the employer's competitiveness in the marketplace; is qualified to contribute to the U.S. employer's knowledge of foreign operating conditions; has been utilized abroad in a capacity involving significant assignments which have enhanced the employer's productivity, competitiveness or financial position; possesses knowledge which, normally, can be gained only through prior experience with that employer; and possesses knowledge of a product or process which cannot be easily transferred or taught to another individual. While these factors may be considered, the regulations specifically require that the beneficiary possess an "advanced level of knowledge" of the organization's process and procedures, or a "special knowledge" of the petitioner's product, service, research, equipment, techniques, or management. 8 C.F.R. § 214.2(l)(1)(ii)(D). As discussed above, the petitioner has not established that the beneficiary's knowledge rises to the level of specialized knowledge contemplated by the

regulations, or that his knowledge, even if it could be considered specialized or advanced, relates specifically to the petitioning organization.

The legislative history for the term “specialized knowledge” provides ample support for a restrictive interpretation of the term. In the present matter, the petitioner has not demonstrated that the beneficiary should be considered a member of the “narrowly drawn” class of individuals possessing specialized knowledge. *See 1756, Inc. v. Attorney General, supra* at 16. The record does not establish that the beneficiary has specialized knowledge or that the position offered with the United States entity requires specialized knowledge. Accordingly, the petition will be denied.

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 appeal will be dismissed.

ORDER: The appeal is dismissed.