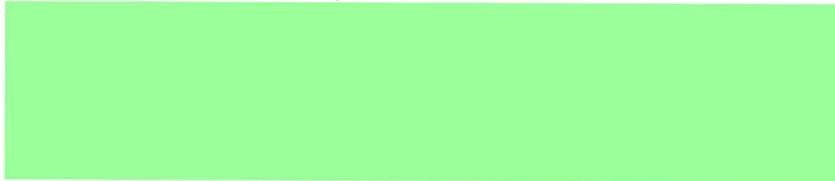




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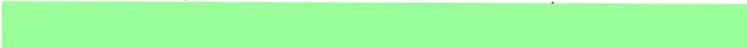
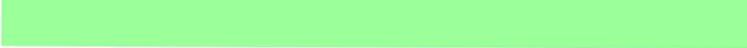
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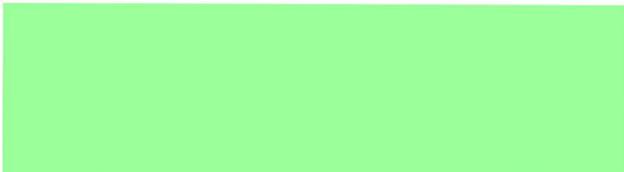
Office: CALIFORNIA SERVICE CENTER

FILE: 

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

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

Thank you,



Ron Rosenberg
Acting Chief, Administrative Appeals Office

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

The petitioner filed this nonimmigrant petition seeking to classify the beneficiary as an L-1B nonimmigrant intracompany transferee pursuant to section 101(a)(15)(L) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1101(a)(15)(L). The petitioner, a Nevada corporation, states that it is the owner and operator of gaming and resort properties. The petitioner claims to be an affiliate of [REDACTED], located in Tokyo, Japan. The petitioner seeks to transfer the beneficiary to the United States to serve in a specialized knowledge capacity, as a marketing executive, for an initial 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 employed abroad or 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 for the petitioner asserts that the director erred in the review of the facts provided in the documentation submitted. In support of the appeal, counsel submits a brief and duplicate copies of the initial evidence and the petitioner's response to the director's request for evidence (RFE).

I. THE LAW

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

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

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

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

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

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

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

- (i) Evidence that the petitioner and the organization which employed or will employ the alien are qualifying organizations as defined in paragraph (l)(1)(ii)(G) of this section.
- (ii) Evidence that the alien will be employed in an executive, managerial, or specialized knowledge capacity, including a detailed description of the services to be performed.
- (iii) Evidence that the alien has at least one continuous year of full-time employment abroad with a qualifying organization within the three years preceding the filing of the petition.
- (iv) Evidence that the alien's prior year of employment abroad was in a position that was managerial, executive or involved specialized knowledge and that the alien's prior education, training and employment qualifies him/her to perform the intended services in the United States; however the work in the United States need not be the same work which the alien performed abroad.

II. THE ISSUE ON APPEAL

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

The petitioner indicated on the Form I-129, Petition for a Nonimmigrant Worker, that it is the owner and operator of gaming and resort properties with 1,964 current employees and a gross annual income of \$5.97 billion. The Form I-129 indicates that the petitioner will employ the beneficiary as a marketing executive. In support of the petition, the petitioner submitted a letter describing the requirements for the position in the United States as follows:

... Therefore, the Company, through our Company, has initiated and formulated very strong and distinctive marketing strategies and related in-house programs and patterned/trademarked systems to sustain and enhance its competitiveness in the industry. ...

... [The petitioner] has formulated specific in-house marketing programs and proprietary trade-marked systems for Casino marketing to capture Asian communities in the Far East. The in-house programs are being implemented continuously in accordance with specific conditions and trends and in-house processing methods and systems. These internal and exclusive marketing efforts are carried out and supported by the various marketing branch

offices in the Far East and North America, targeting Asian travelers and visitors including those in Japan.

In this respect, our Company requires the temporary services of [the beneficiary] as he possesses advanced knowledge and training about all aspects of [the petitioner's] internal marketing methods, processing and in-house formulated systems and programs that are targeted towards Japanese visitors through his past years of employment at [the petitioner's] branch office in Tokyo, Japan. He possesses advanced knowledge on Japanese consumer trends and spending patterns in the gaming/casino industry which is extremely valuable to [the petitioner] in capturing and enhancing its market position in Japan. [The beneficiary] he has [*sic*] participated in the planning and implementation of marketing strategies and programs as well as addressing training programs and specific marketing activities in Japan. He has contributed significantly to our Asian marketing objectives and strategies.

The petitioner's letter also described the beneficiary's specialized knowledge and foreign employment as follows:

[The beneficiary] was hired by [the foreign entity] as a Marketing Executive at their Tokyo branch office since 2008 until currently. He participated and completed comprehensive training with regard to [the petitioner's] marketing and customer services. He has been trained on the Company's internal and proprietary operational and management systems and methods such as [redacted] and others in areas of Casino facilities, policies and procedures, marketing and guest relationship. This training, combined with his employment with the Company, has resulted [in] his possession of an advanced level of the Company's in-house, specialized knowledge especially with regard to [the petitioner's] internal marketing and in-house management systems which were developed by the Company to maximize the capacity in offering accommodations, resort facilities and entertainment to Japanese tourists and visitors. The Company's internal policies and procedures are highly confidential and regarded as trade-secrets, for the purpose of sustaining the Company's brand name to attract and sustain customers. . . .

As a Marketing Executive and stationed at [the foreign entity], [the beneficiary] has an advanced level of knowledge about marketing strategies geared towards prospective customers in Japan. [The beneficiary] also has the access to confidential in-house internal data and records with respect to marketing and promotion of the [petitioner's] properties, including exclusive, high-end customer information, customer groups, and financial health of customers and customer groups, such as business travelers and/or high-end customers from Japan. [The beneficiary] utilizes and analyzes this in-house proprietary information about confidential customers' records and data, and his trained knowledge about the Company's internal marketing specifications and strategies to promote [the petitioner's] properties in Japan. [The beneficiary] facilitates, implements and carries out marketing activities, incorporating specifications which are tailored and geared at prospective customers in Japan. He works together with the Vice President and other staff within the Tokyo office, along with other external Marketing Executives and Representatives from other affiliated Far East offices in coordination and carrying out his marketing and promotional duties.

* * *

While working directly with other internal staff in the Tokyo office and with support from other overseas Marketing offices, [the beneficiary] indeed demonstrates his highly specialized knowledge and skills in meeting the Company's marketing goals and objectives for expanding and enhancing its profile as leading resort company in the industry.

* * *

[The beneficiary] has a Bachelor's degree in Hotel Management Administration from [redacted]. In addition, he has also studied at the [redacted] with emphasis on management and business administration. Prior to his studying in the United States, he had a few years of employment in a related field with companies in Japan in areas of sales support for customers and Web Designer and Administrator for promotion of customers' businesses.

The petitioner submitted the beneficiary's resume listing his degree in hotel management administration and other proficiencies, such as "native Japanese and fluent English" speaker, computer skills, and an FAA helicopter private pilot certificate. The resume does not list any internal training relating to the petitioner's proprietary systems. The resume describes the beneficiary's work experience at the related foreign entity as follows:

- 2008-present Marketing Executive, [redacted] Tokyo, Japan (full time)
- Compliance Specialist
 - Develop new market, sales promotion, customer relations

The petitioner submitted a document titled, "RE: [redacted] Marketing Training" indicating that the beneficiary received the following training at the foreign entity:

- Familiarized with hotel facilities (rooms, restaurants, shows).
- Familiarized and interacted with hotel structures and departments (Casino Marketing, VIP Services, Limousine, and Food & Beverage personnel).
- Learned Reservation Procedures.
- Evaluated customers' casino activity by reviewing customer detail and M-Life system which assist in determining complementary (room, food/beverage, and other) based upon criteria.
- Development of customer service and relationship with casino customers.
- Trained on Title 31.
- Worked with the pit personnel to identify, assist and retain qualified in-house casino customers.

In support of the petition, the petitioner submitted a letter describing the beneficiary's overseas employment as follows:

As the Marketing Executive and together with the marketing team, [the beneficiary] utilizes his advanced knowledge about [the petitioner's] marketing specifics, internal records, data and systems to create and/or implement successful marketing methods to capture customers in Japan in accordance with objectives and goals set forth by [the petitioner][.]. His primary duties are as follows:

- Implementation and/or modification of marketing specifics and campaigns to promote the Company's properties according to in-house strategies and methods in promoting a sound business base in Japan;
- Review and modification of marketing methods and transmitting customer's information to the Company, in accordance with guidelines and strategies set forth by our Company;
- Development of customer service relationships with trade operations and promotion of the Company's image and objectives;
- Coordinate marketing and promotional activities between the Company and customers in Japan. Make regular visits to customers and gather feedback and recommendations from them, and suggest appropriate actions and/or changes in marketing or promotion approaches to the Company to enhance its share in the market;
- Communicate with various overseas marketing offices as well as the head office to exchange and obtain confidential and updated information that will support marketing, such as specifics of new entertainment programs, new properties and facilities, financial profiles of existing and prospective customer groups, changes in country specifics, as well as coordinate synergy between marketing and other various departments and facilities within the [petitioner's] group; and
- Assist in the development of internal customer service procedures and processes to gain efficiently of resources with respect to property availability, terms and conditions for various customer groups to maximize promotion and marketing capabilities within Japan.

The petitioner further described the beneficiary's proposed duties at the U.S. company as follows:

[The beneficiary's] presence in our Company's head office is critical. He is one of the few people within [the petitioner] who has the advanced level of knowledge of our marketing approaches and knowledge about the country (Japan) specific culture and laws. This combination of knowledge of internal programs and country specific culture and laws is unique and an uncommon tool to advance our marketing to customers in Japan. Therefore, his participation in the formulation of marketing policies in the U.S. office will be of utmost importance since none of the staff members in the U.S. office have this type of specialized knowledge, which include a combination of country-culture specifics along with [the petitioner's] marketing protocols.

[The beneficiary's] duties in the U.S. head office relate to Japan specific marketing program research, analysis and implementation; he will assume duties similar to those at his current position in Japan, as outlined above and summarized hereinafter:

- Implement and/or modify marketing specifics and campaigns to promote [the petitioner's] properties according to in-house strategies and methods in promoting a sound business base in Japan;
- Review and modify marketing methods in accordance with guidelines and strategies set forth by our Company;
- Develop customer service relationships with trade operations and promotion of the Company's image and objectives;
- Coordinate marketing and promotional activities with other marketing executives as well as marketing staff in Japan. Obtain and analyze customer's feed back [sic] and recommendations, and suggest appropriate improvements and/or changes in marketing or promotion approaches to the Company to enhance its share in the market;
- Communicate with various overseas marketing offices to exchange and obtain confidential and updated information that will support marketing; and
- Participate in the development customer service procedures [sic] and processes to gain efficiently of resources with respect to property availability, terms and conditions for various customer groups to maximize promotion and marketing capabilities within Japan.

The director issued a request for evidence ("RFE"). The director requested that the petitioner provide, *inter alia*, evidence that the beneficiary: (1) possesses specialized knowledge; (2) has been employed abroad by a qualifying organization in a position that involved specialized knowledge; and (3) evidence of the proposed specialized knowledge position in the United States.

In response to the RFE, the petitioner explained the beneficiary's specialized knowledge as follows:

... To effectively perform his function, [the beneficiary] was selected to participate and complete the Company's comprehensive marketing training [REDACTED]. This training involves reviewing the demographic and behavioral data elements typically captured in our transaction systems with discussions on the challenges faced by marketers regarding both the reliability and barriers to access of transactional data for marketing purposes. This training also covers the consumers' reinvestment strategies derived from segmentation models, and a review of various types of direct marketing collateral typically offered by our company.

... This proprietary training results in better analysis and operation of data warehousing, online analytical processing, campaign management systems and data mining.

Participants of this training gain Marketing Theory, that develops our strategies that seek to accomplish our goal. [The beneficiary] not only completed basic training but advanced to higher levels of marketing strategies. In addition, [the beneficiary] is the only Marketing Executive who has worked with and [sic] thus has detailed knowledge of how multiple properties, having worked closely with the company's sister properties [REDACTED] and also [REDACTED]

As further explanation of the beneficiary's claimed specialized knowledge, the petitioner stated:

Utilizing the knowledge gained from the [redacted] training, [the beneficiary] implemented and modified the marketing specifics and campaigns to promote the Company's properties according to our in-house strategies and methods that created a sound business base in Japan. His review and modification of marketing methods promoted the company's image and objectives. [The beneficiary] conducted studies of the consumers' visits and made recommendations to improve the company's marketing or promotion approaches that enhanced its share of the market. [The beneficiary] was part of the overseas marketing office that communicated confidential and updated information that supported our marketing objectives including new entertainment programs, financial consumer profiles, changes in country specifics, as well as coordinating synergy between marketing and other various departments and facilities within the [petitioner]. [The beneficiary] was also key to developing our internal customer service procedures and processes to efficiently gain resources with respect to property availability, terms and conditions of various consumer groups to maximize promotion and marketing capabilities in Japan.

. . . Currently, there are nine (9) people on staff in the office in Japan with two (2) Marketing Executives, of whom [the beneficiary] in one.

* * *

One of [the beneficiary's] duties was to utilize our standard proprietary marketing strategy and then customize it to fit the cultural norms of another country (Japan), ultimately resulting with a unique . . . Japanese-focused marketing strategy. Cross-cultural consumer research provides the core insight to avoid costly cultural blunders while searching for the most cost-effective approach. All hospitality services have what they call a "loyalty program" but a majority of these programs are used to discount price rather than create an emotional connection to the company. Thus, [the beneficiary's] experience provides the in-depth marketing research on loyalty and other loyalty programs among the Japanese segment that works and will provide a greater consumer base for our group.

As seen in the organizational chart, there are two Marketing Executives at the Tokyo branch office. As stated above however, [the beneficiary] is the only executive who has worked with multiple properties, working closely with the company's sister properties [redacted] and also [redacted]. Normally, the company's executives are stationed at one property and have few or no experience with other properties. In particular, experience with the Macao [*sic*] office is valuable as it implements different policies and marketing systems and in addition, considered one of the more thriving properties.

In [the beneficiary's] Specialized Knowledge gained during his employment in the unique position of Marketing Executive at the Tokyo branch office, includes the following:

- [The beneficiary's] thorough training and understanding of the Japanese client database and the way that is most effectively utilized in our marketing efforts;

- [The beneficiary's] ability to customize our standard proprietary marketing strategy to fit another culture (Japan); and
- [The beneficiary's] unique training in both Japan and our very successful Macao property and his in-depth knowledge of multiple properties.

In response to the RFE, the petitioner described the beneficiary's proposed position in the United States as follows:

... [The beneficiary] will meet and discuss with the [petitioner's] trainers specific marketing and customer service training for the newly hired marketing representatives and other marketing managers with regards to the market conditions in Japan. [The beneficiary] will contribute valuable and exclusive information with specific data about market trends and economic conditions in Japan to allow the Company to formulate strategies and implement training programs targeted in this specific country.

[The beneficiary] will meet with marketing management personnel at the head office. He will provide specific internal data and records with regard to consumer feedback, spending trends, data and records, etc. with regard to [the petitioner's] gaming and resort facilities. This will be evaluated by upper management to gear at a new approach in the specific Japan market and its continuous development and implementation in promoting [the petitioner's] properties and services in Japan. He will have access to review confidential reports and records on other Asian countries to determine the current and future position of [the petitioner's] marketing operation in Japan. He will also have access to records of each of the [petitioner's] properties to gain accurate and first hand information about the properties, from accommodation availabilities to entertainment programs to determine proper marketing approaches and strategies for prospective Japanese customers. The team will then examine general marketing tactics, review the components of a successful plan, and utilize measurement science to formulate and implement the marketing strategy.

[The beneficiary] will join and work together with two other marketing executives [redacted] and [redacted] and three senior managers (VP Japanese Marketing, VP Customer Development and the President and COO) at his prospective work site to discuss and work out effective, efficient yet, uniform Japan-focused marketing strategies to be used by all of the company's marketing offices.

[The beneficiary's] presence in the Company's head office is critical. He is one of the few people within [the petitioner] who has the advanced level of knowledge of our marketing approaches and knowledge about the country (Japan) specific culture and laws. This combination of knowledge of internal programs and country specific culture and laws is unique and an uncommon tool to advance our marketing in Japan. Therefore, his participation in the formulation of marketing policies in the U.S. office will be of utmost importance since none of the Marketing Executives in the U.S. office have this type of specialized knowledge, which include a combination of country-culture specifics along with [the petitioner's] marketing protocols.

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 or would be employed in the United States in a capacity requiring specialized knowledge. In denying the petition, the director found that, based on the evidence submitted, it cannot be concluded that the beneficiary, as a result of his education, training, and employment with the foreign entity, has knowledge or experience in the gaming and resort industry that is significantly different from that possessed by similarly employed marketing professionals working in the same industry. The director further found that the beneficiary's training and experience with the petitioner's internal tools, processes, and methodologies is insufficient to establish that the beneficiary is an individual with specialized knowledge.

The director observed that, according to the Department of Labor's Occupational Outlook Handbook (OOH), the duties of the beneficiary's position abroad reflect the same or similar duties of advertising, marketing, promotions, public relations, and sales managers. The director found that the descriptions of the duties provided for the beneficiary's position abroad are similar and typical of a marketing manager or related occupation working in the operator of gaming and resort properties field.

In denying the petition, the director also observed that the duties presented for the beneficiary's proposed position in the United States are the same as the duties he performed at the foreign entity, which were not found to involve specialized knowledge. The director found that there is no evidence on record to suggest that the processes pertaining to the petitioner's organization are different from those applied by any marketing executive or similar position working in the same industry. The director further found that an assertion that the beneficiary possesses knowledge of the petitioner's internal systems, tools, and processes does not amount to specialized knowledge. The director emphasized that while individual companies will develop internal methodologies, processes, and procedures tailored to their own needs, it has not been established that similarly employed persons in the field could not readily acquire such company-specific knowledge.

On appeal, counsel for the petitioner contends that "[t]he language of the denial for all three criteria makes it clear that the Service failed to evaluate the job duties and detailed descriptions for the Marketing Executive positions abroad in Tokyo and in the United States and training of the Beneficiary with the Petitioner's organization." Counsel asserts that the petitioner provided sufficient evidence to establish that the beneficiary possesses specialized knowledge, and that the beneficiary's current position abroad and proposed position in the United States require specialized knowledge.

Upon review, counsel's assertions are not persuasive. The petitioner has not established that the beneficiary possesses specialized knowledge or that he has been or would be employed in a position that requires specialized knowledge.

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

petitioner may establish eligibility by submitting evidence that the beneficiary and the proffered position satisfy either prong of the definition.

USCIS cannot make a factual determination regarding the beneficiary's specialized knowledge if the petitioner does not, at a minimum, articulate with specificity the nature of the claimed specialized knowledge, describe how such knowledge is typically gained within the organization, and explain how and when the beneficiary gained such knowledge. Once the petitioner articulates the nature of the claimed specialized knowledge, it is the weight and type of evidence, which establishes whether or not the beneficiary actually possesses specialized knowledge. *See Matter of Chawathe*, 25 I&N Dec. 369, 376 (AAO 2010). The director must examine each piece of evidence for relevance, probative value, and credibility, both individually and within the context of the totality of the evidence, to determine whether the fact to be proven is probably true. *Id.*

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

In the present case, the petitioner's claims are based on the second prong of the statutory definition, asserting that the beneficiary has an advanced level of knowledge of the company's processes and procedures.

In examining the beneficiary's specialized knowledge and whether the offered position requires specialized knowledge, 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. *Id.*

In the instant matter, the petitioner has not shown that the beneficiary possesses a level of knowledge that is specialized or advanced. The beneficiary was employed by the petitioner for three years at the time of filing the petition performing duties similar to those he will perform in the United States. The petitioner indicates that the beneficiary's knowledge of Japanese culture, laws, consumer trends and spending patterns in the gaming and casino industry, along with his training and experience with proprietary marketing strategies, distinguishes his knowledge from that possessed by other employees at the company and in the industry. However, any individual who works in the same industry with Japanese customers could reasonably understand the Japanese culture, laws, consumer trends, and spending patterns. The petitioner has not demonstrated how this knowledge sets the beneficiary apart from any other individual in the same or similar position within the company or the industry.

The petitioner further claims that the beneficiary's knowledge of its internal marketing methods, processing and in-house formulated systems and programs rises to an advanced level of knowledge. The record does not support this claim.

The petitioner submitted the participant guide for its [REDACTED] Procedures, which it claims is a proprietary tool used by the beneficiary. The participant guide is very basic and teaches any individual

how to use the system and how to troubleshoot customer service issues. The participant guide does not demonstrate that an advanced level of knowledge is necessary to receive the training, nor does it appear to impart any advanced knowledge on the individual receiving the training. This participant guide appears to be training material that is used to train existing and newly hired staff on a specific aspect of the petitioner's loyalty program. The petitioner also submitted a participant guide for its [REDACTED]. This participant guide provides information about the petitioner's loyalty program and also does not impart any advanced or specialized knowledge on the individual receiving the training. Furthermore, the petitioner has not corroborated its claimed that the petitioner actually completed the in-house training that is said to be an important component of the claimed specialized knowledge.

This document submitted by the petitioner listing the beneficiary's training does not indicate that the beneficiary has received any training that raises him to a level of knowledge that is specialized or advanced. The only actual training specified on the document is "trained on Title 31"; however, the petitioner failed to provide any information about that particular training. In fact, it is the only mention of said training in the record. 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 list of training topics includes general knowledge that is expected from any individual in the same or similar position within the industry, such as "familiarized with hotel facilities"; "familiarized and interacted with hotel structures and departments"; "learned reservation procedures"; and "worked with pit personnel to identify, assist and retain qualified in-house casino customers." Therefore, the AAO cannot determine that the beneficiary possesses a level of knowledge that is special or advanced within the company or the industry. In response to the RFE, the petitioner referenced training concerning "data warehousing" and how the beneficiary received this training and "advanced to higher levels of marketing strategies." However, once again, the petitioner failed to provide sufficient corroborating evidence of this training.

The petitioner went on to state that the beneficiary's knowledge is unique as he has a thorough understanding of the Japanese client database, the ability to customize standard proprietary marketing strategy to the Japanese culture, and unique training in Japan and other of the petitioner's properties. The petitioner states that the beneficiary is the only marketing executive who has worked with multiple properties belonging to the petitioner's group of companies. The petitioner did not provide any information on the training referenced, nor did the petitioner articulate how this knowledge elevates the beneficiary to an advanced or specialized level or otherwise distinguishes his knowledge from that possessed by the company's other marketing professionals.

Here, the petitioner claims that the beneficiary's employment abroad involved specialized knowledge because it required the beneficiary to know and apply the petitioner's marketing methodologies, processes, and procedures and the use of the petitioner's proprietary programs and systems. The petitioner provided the above description of the beneficiary's duties at the foreign entity and asserts that his position as marketing executive involves specialized knowledge. However, in examining the beneficiary's job duties abroad, it has not been established that the beneficiary's position abroad involves specialized knowledge.

The description of the beneficiary's duties abroad merely consists of duties that are the same or similar to any other marketing professional in the industry. The fact that the beneficiary must apply "in-house" strategies

and methods in promoting the business is true for any company in the industry and does not constitute specialized or advanced knowledge. The petitioner also claims that the beneficiary's knowledge of its proprietary system [REDACTED] demonstrates that he possesses specialized knowledge and that his position abroad involves specialized knowledge, but it has failed to document his training or experience with this system.

Therefore, although the petitioner asserts that the beneficiary's positions in the United States and abroad require specialized knowledge, the petitioner has not sufficiently articulated or documented its claims. Other than submitting a general description of the beneficiary's current and proposed job duties, the petitioner has not identified any aspect of the beneficiary's position which involves special knowledge of the petitioning organization's product, service, research, equipment, techniques, management, or other interests. The petitioner has not submitted any evidence of the knowledge and expertise required for the beneficiary's position that would differentiate that employment from the same or similar position at other employers within the industry. The petitioner's claim that the knowledge is proprietary must be accompanied by evidence establishing that the beneficiary possesses knowledge that is different from what is generally possessed in the industry; any claimed proprietary knowledge must still be "special" or "advanced." Simply going on record without supporting documentary evidence is not sufficient for the purpose of meeting the burden of proof in these proceedings. *Matter of Soffici*, 22 I&N Dec. 158, 165 (Comm'r 1998). 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).

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

For the reasons discussed above, the evidence submitted fails to establish by a preponderance of the evidence that the beneficiary possesses specialized knowledge or that he has been or will be employed in a position that requires specialized knowledge. *See* Section 214(c)(2)(B) of the Act. Accordingly, the appeal will be dismissed.

III. CONCLUSION

In visa petition proceedings, the burden of proving eligibility for the benefit sought remains entirely with the petitioner. Section 291 of the Act, 8 U.S.C. § 1361. Here the petitioner has not met that burden.

ORDER: The appeal is dismissed.