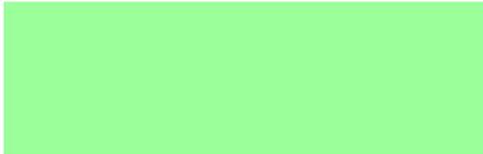


(b)(6)

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



U.S. Citizenship
and Immigration
Services



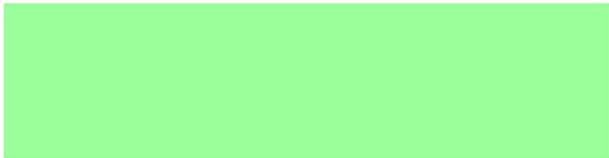
DATE: **FEB 05 2013** Office: CALIFORNIA SERVICE CENTER

FILE:

IN RE: Petitioner:
Beneficiary:

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

ON BEHALF OF PETITIONER:



INSTRUCTIONS:

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

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

Thank you,

Ron Rosenberg
Acting Chief, Administrative Appeals Office

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

The petitioner filed this nonimmigrant petition seeking to classify the beneficiary as an L-1B nonimmigrant intracompany transferee pursuant to section 101(a)(15)(L) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1101(a)(15)(L). The petitioner, a Delaware corporation, is self-described as a company engaged in the design and sales of automated manufacturing processes, installing conveyor systems for production lines for machining, assembly and testing. The petitioner claims to be a wholly owned affiliate, along with the beneficiary's current foreign employer, [REDACTED] ("foreign entity"), of [REDACTED]. The petitioner seeks to employ the beneficiary in the position of Project Engineer for a period of approximately three years.

The director denied the petition, concluding that the petitioner failed to establish the beneficiary possesses specialized knowledge or that he will be employed 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 for review. On appeal, counsel contends the director applied an improper standard in determining whether the beneficiary possesses specialized knowledge. Counsel asserts that the petitioner has submitted sufficient evidence to establish that the beneficiary possesses specialized knowledge. Counsel submits a brief. The petitioner has not submitted any additional documentary evidence in support of the appeal.

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:

¹ The petitioner has submitted an organizational flowchart of the corporate ownership scheme. Both the petitioner and the foreign entity are wholly-owned subsidiaries of [REDACTED], one of two affiliates owned and controlled by [REDACTED] which is wholly-owned by the parent company, [REDACTED].

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

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

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

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

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

II. The Issue on Appeal

The sole issue to be addressed is whether the petitioner established that the beneficiary possesses specialized knowledge and will be employed in the United States in a specialized knowledge capacity.

The petitioner is self-described as a company engaged in the design and sales of automated manufacturing processes, installing conveyor systems for production lines for machining, assembly and testing. The petitioner indicates that it has 103 employees and gross annual income of \$38,894,694.

The petitioner stated the beneficiary will be working as a Project Engineer in the petitioner's Appleton Wisconsin office as part of the petitioner's [REDACTED]. The petitioner submitted a job offer letter which described how the beneficiary will be responsible for duties as follows:

- a. Execution of [REDACTED] projects/layouts with standard [REDACTED] products along with Tissue based solutions and some third party equipment.
- b. Support of project coordination with other global units in Gothenburg and Bologna;
- c. Support of testing of projects both at [REDACTED] units and at customer sites as appropriate.
- d. Support of applications development on occasion as prioritized by the SBU management.
- e. Other tasks may be required as requested by the [REDACTED] management.

The petitioner submitted a copy of the beneficiary's resume indicating the beneficiary obtained a Bachelor's degree in chemical engineering in 1978 from the [REDACTED] and a chemical engineering license in 1999. The resume indicates that since April 2005 the beneficiary has been a project engineer at the foreign entity. The resume lists the beneficiary's duties as a project engineer with the foreign entity as follows:

- Manage/coordinate projects, through the facilitation of integrated teams, from concept development through design, construction, commissioning, and start up.
- More than 6 years experience as Project leader and project Engineer at [REDACTED]
- Expertise in design material handling systems for the packaging industry including filling, capping, wrapping, cartooning (sic) and palletizing.
- Very good knowledge of the [REDACTED] product offer.
- Experienced working with [REDACTED] paper applications in several [REDACTED] units: Canada, Spain and Brazil.
- Identify opportunities to apply [REDACTED] applications to solve the customer material handling needs.
- Proactively manage projects to ensure schedule, scope and costs meet stakeholder expectations.
- Expertise in design and construction, commissioning and Start-up of [REDACTED] material handling equipment.
- Create, coordinate designs, provide cost estimates, cash flow analysis, and prepare project evaluations using economic analysis.
- Prepare requests for proposals, project proposals, budgets, invoices, schedules, and tender documents.
- Design using AutoCAD, [REDACTED] & Chain pull calculation and other third parties design software such as Hytrol Hycad, Intralox chain pull calculations.

- Very familiar and accurate projecting plant layouts, and [REDACTED]
- Liaise, coordinate, and meet with the customer, applications engineers, workshop technicians, suppliers and control engineers on project matters.
- Negotiate with customers regarding deadlines, expectations, and scope.
- Prepare various reports, and the project documentation for project handout.
- Supervise daily team activities and Negotiate with clients regarding deadlines, expectations, and scope.
- Create, coordinate designs, provide cost estimates, and prepare project evaluations using economic analysis.

Further, according to the resume, in 2010 the beneficiary worked on two 90-day international assignments at [REDACTED] subsidiaries in Brazil and Spain, respectively. At [REDACTED] in Brazil, the beneficiary designed and constructed a tissue paper bundles handling system for a major paper producer. At [REDACTED] in Spain, he constructed a tissue paper bundle handling system for SCA Spain and an overhead conveying system for a pharmaceutical company.²

As stated above, the beneficiary indicates that his specific skills include the following:

Design using AutoCAD, [REDACTED] NG & Chain pull calculation and other third parties design software such as Hytrol Hycad, Intralox chain pull calculations.

The beneficiary's resume indicates that in March 2010 at the foreign entity he was given a Project Management Diploma. The resume does not list any training completed by the beneficiary at the foreign entity.

The director issued a request for evidence ("RFE"). The director requested that the petitioner provide, *inter alia*, evidence that the beneficiary has specialized knowledge and evidence of the proposed specialized knowledge position in the United States.

In response to the RFE, the petitioner submitted the parent company's 2010 annual report indicating that the parent company is the innovator of modern conveyor systems, installing such systems all over the world for production lines for machining, assembly and testing. The document also states that the parent company has "a flexible supply scope, from components to turnkey installations, together with a range of software and services, including a large amount of proprietary core technology." The report indicates that "within discrete manufacturing [the parent company's] market is defined as four major industry segments: automotive, electronics, healthcare and fast moving consumer goods (FMCG). The annual report also indicates that the parent company "addresses the market through its own sales offices, strategic business units (SBU's), and its partner network." The document indicates that the parent company runs sales offices in 25 countries, and lists the petitioner as the parent company's main office in the United States. The document indicates that the parent company has set up two dedicated

² The additional experience the beneficiary's resume indicates in the tissue paper industry is his employment as a project engineer from 2001 to 2001 with [REDACTED] where he states he directed the construction design of a tissue paper plant.

SBU's, for the industry segments of Tissue and Life Sciences, and a partner channel of more than 100 strategic partners and a large number of service partners.

Also in response to the RFE, the petitioner submitted a current job description for the proffered position of Project Engineer in the petitioner's U.S. Tissue SBU, which lists essentially the same duties as set forth in the petitioner's job offer letter. The job description lists the educational/experience requirements as follows:

Bachelor's degree (B.A. or B.S.) from four year college or university; and one to two years related experience and/or training; or equivalent combination of education and experience. At least one year of related experience must be from within [redacted] in engineering or other related fields where the [redacted] offering is learned well.

Also in response to the RFE, the petitioner submitted a testimonial letter from [redacted] its [redacted] office where the beneficiary would be employed, reiterating the position description provided at the time of filing, and asserting that the proffered position of Project Engineer requires an employee with specialized knowledge. He states that, although the parent company has more than 30 years of experience in installing production logistics systems worldwide in the tissue industry, the Tissue SBU in Wisconsin was recently established in January 2012. He states, "In building the Tissue SBU team, I specifically sought Project Engineers in [redacted] existing sales units with a proven record of success serving the tissue industry." He also states the Tissue SBU requires engineers to have "strong AutoCAD skills and have an advanced knowledge of FlexLink product specific NG & Chain pull calculations." He states that these skills "cannot be learned overnight (or over several months for that matter), even by an otherwise experienced engineer. Moreover, our global Tissue SBU does not have a learning curve. We need to be able to service 200 global customers today" with "existing [redacted] engineers with tissue industry specific [redacted] training and experience."³

Further in response to the RFE the petitioner submitted a testimonial letter from [redacted] Operations Manager at the foreign entity, who states he has been the beneficiary's supervisor since 2010. Mr. Hudson describes the duties of the proffered position of Project Engineer, and describes the beneficiary's experience and qualifications relative to the proffered position as follows:

[The beneficiary's] skill in design for the tissue industry was evident when I became his Operations Manager. For this reason, he leads all projects run by [redacted] serving the tissue industry. Moreover, his skill with application of [redacted] products to the tissue industry is so advanced that I specifically selected [redacted] to lead three month international project assignments in Brazil and Spain that served the tissue industry. Certainly, he is the most advanced and knowledgeable Project Engineer with [redacted] for serving the tissue industry. It is [redacted] advanced knowledge and skill within the

³ The AAO notes that the remainder of [redacted] testimonial letter erroneously refers to another employee of [redacted] in its Brazil subsidiary.

tissue industry that make him an ideal candidate for transfer to the U.S. Tissue SBU in Appleton, Wisconsin.

The director ultimately denied the petition, concluding that the petitioner failed to establish that the beneficiary would be employed in a specialized knowledge position or that the beneficiary possesses specialized knowledge. In denying the petition, the director found the petitioner submitted insufficient evidence to establish that the job the beneficiary performed with the foreign company and to be performed at the worksite “involves a specialized or advanced level of knowledge in the design and sales of automated manufacturing processes field or related occupation.” The director found that the beneficiary’s stated duties from his employment abroad and the described duties of the proffered position in the United States were similar to the duties of similarly situated mechanical engineers, as set forth in the U.S. Bureau of Labor Statistics *Occupational Outlook Handbook, 2012-13 Edition*.

The director further found that while the evidence establishes that the beneficiary “has a wide range of skills, experience and training with various processes and methodologies” it cannot be concluded that the beneficiary “has knowledge or experience in the field of design and sales of automated manufacturing processes that is significantly different from that possessed by similarly situated employed workers in the same business activity” or similarly situated employees of the parent company.⁴

The director emphasized that, although the petitioner asserts that the beneficiary possesses knowledge of the petitioner’s proprietary processes, methodologies, tools and/or products, “there is no evidence on record to suggest that the processes pertaining to your organization are different from those applied by any Project Engineer or similar position working in the same industry . . . or amount to specialized knowledge.” The director further emphasized that while individual companies will develop processes tailored to their own needs, “it has not been established that similarly situated employed persons in the field could not readily acquire such company-specific knowledge.”

On appeal, counsel asserts that the petitioner has explained that the beneficiary possesses specialized knowledge, in that he possesses knowledge which can be gained only through prior experience with the parent organization, and possesses knowledge of a product or process which cannot be easily transferred or taught to another individual. As stated by the petitioner, the project engineer needs to have “strong AutoCAD skills, and have an advanced knowledge of [redacted] product specific NG & Chain pull calculations. A mechanical engineer without knowledge or conveyor system design, installation and maintenance and without specialized knowledge relating to serving the global tissue industry is inadequate . . . Why else would [redacted] look only to its existing global engineering team in staffing this new SBU?” The petitioner has not submitted any additional documentary evidence on appeal.

⁴ The AAO notes the director’s erroneous statement at page 5 of her decision that “the beneficiary graduated in Automation Engineering from [redacted] while also correctly noting on the same page that the beneficiary obtained a Bachelor’s degree in chemical engineering in 1978 from the [redacted]. We find this error is harmless, since the director correctly concluded that a bachelor’s degree in engineering does not amount to “special” or “advanced” knowledge” in the beneficiary’s field of automated manufacturing processes.

Upon review, and for the reasons discussed herein, the petitioner has not established that the beneficiary possesses specialized knowledge or that he has been or would be employed in a capacity requiring specialized knowledge.

III. Analysis

Upon review, the petitioner's assertions are not persuasive. The petitioner has not established that the beneficiary possesses specialized knowledge or that he would be employed in the United States in a specialized knowledge capacity as defined at 8 C.F.R. § 214.2(l)(1)(ii)(D).

In visa petition proceedings, the burden is on the petitioner to establish eligibility. *Matter of Brantigan*, 11 I&N Dec. 493 (BIA 1966). The petitioner must prove by a preponderance of evidence that the beneficiary is fully qualified for the benefit sought. *Matter of Chawathe*, 25 I&N Dec. 369, 376 (AAO 2010). In evaluating the evidence, eligibility is to be determined not by the quantity of evidence alone but by its quality. *Id.* The director must examine each piece of evidence for relevance, probative value, and credibility, both individually and within the context of the totality of the evidence, to determine whether the fact to be proven is probably true.

In order to establish eligibility, the petitioner must show that the individual 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. First, an individual is considered to be employed in a capacity involving specialized knowledge if that person "has a special knowledge of the company product and its application in international markets." Second, an individual is considered to be serving in a capacity involving specialized knowledge if that person "has an advanced level of knowledge of processes and procedures of the company." See also 8 C.F.R. § 214.2(l)(1)(ii)(D). The petitioner may establish eligibility by submitting evidence that the beneficiary and the proffered position satisfy either prong of the definition.

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

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

In the present case, the petitioner's claims are based on the first and second prongs of the statutory definition, asserting that the beneficiary has a special knowledge of the company's products and

their application in international markets and an advanced level of knowledge of the company's processes and procedures.

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 provided a general description of the beneficiary's past and present duties, but the description does not mention the application of 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 project engineers employed by the petitioner or in the automated manufacturing processes field at large. The evidence of record indicates that the beneficiary designs and constructs the foreign entity's conveyor systems, primarily for the packaging and tissue industry using experience with AutoCAD, [REDACTED] & Chain pull calculation and other third parties design software such as Hytrol Hycad, Intralox chain pull calculations. A review of the beneficiary's resume reflects that the beneficiary likely possessed experience in all of these tools, (except the application of NG and chain pull calculations specifically to [REDACTED] products), at the time he was hired by the foreign employer. It is evident that other project engineers working for other companies possess a similar skill set.

The petitioner claims that the beneficiary's specialized knowledge was derived from his experience since 2005 at the foreign entity, working on projects in the tissue industry segment that are claimed to be similar to the project to which he will be assigned in the United States. As stated previously, according to the beneficiary's resume, in 2010 he worked on two 90-day "international assignments" at [REDACTED] subsidiaries in Brazil and Spain, respectively. The beneficiary indicated that at his international assignment at [REDACTED] Brazil he designed and constructed a tissue paper bundles handling system for a major paper producer. At [REDACTED] Spain he constructed a tissue paper bundle handling system for SCA Spain and an overhead conveying system for a pharmaceutical company. The petitioner has not provided further evidence of work the beneficiary has done in the tissue industry segment at the foreign entity. The beneficiary's resume does not specifically indicate what other work he may have performed in the tissue industry segment. In addition, regarding the beneficiary's 90-day international assignments at [REDACTED] in Spain, the beneficiary's resume does not indicate what percentage of time he worked as a project engineer in the tissue industry segment relative to his work as a project engineer for the pharmaceutical company.

Further, the petitioner does not explain how the beneficiary's specialized knowledge derives from any company-specific methods or procedures for automated manufacturing processes, other than state the beneficiary has "specialized or advanced knowledge of [REDACTED] specific processes" such as [REDACTED] products and [REDACTED] specific NG & Chain pull calculation knowledge. Therefore, the petitioner has offered little more than conclusory assertions in support of its claim that the beneficiary possesses specialized knowledge. 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'r. 1998) (citing *Matter of Treasure Craft of California*, 14 I&N Dec. 190 (Reg. Comm'r. 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 failed to articulate, with specificity, the

nature of the claimed specialized knowledge. While the beneficiary's resume confirms that he has worked in 2010 for [REDACTED] tissue industry segment in its subsidiaries in Spain and Brazil, it does not establish how the knowledge he used or acquired on such work rises to the level of specialized or advanced knowledge, or why such duties could not have been performed by any experienced project engineer with experience in AutoCAD, NG & Chain pull calculation and other third parties design software such as Hytrol Hycad, Intralox chain pull calculations. An expansive interpretation of specialized knowledge in which any experienced employee would qualify as having special or advanced knowledge would be untenable, since it would allow a petitioner to transfer any experienced employee to the United States in L-1B classification. The term "special" or "advanced" must mean more than experienced or skilled. In other terms, specialized knowledge requires more than a short period of experience, otherwise, "special" or "advanced" knowledge would include every employee with the exception of trainees and recent recruits.

The AAO acknowledges that the specialized knowledge need not be narrowly held within the organization in order to be considered "advanced." However, it is equally true to state that knowledge will not be considered "special" or "advanced" if it is universally or even widely held throughout a company. If all similarly employed workers within the parent company's organization receive essentially the same training, then mere possession of knowledge of the petitioner's processes and methodologies does not rise to the level of specialized knowledge. The L-1B visa category was not created in order to allow the transfer of all employees with any degree of knowledge of a company's processes. If all employees are deemed to possess "special" or "advanced" knowledge, then that knowledge would necessarily be ordinary and commonplace.

On appeal, counsel argues that the beneficiary's familiarity with the parent company's products and systems should be considered knowledge that is specific to, or proprietary to, the parent company and therefore "specialized." All employees can be said to possess unique skills or experience to some degree. The beneficiary's familiarity with the petitioner's projects, systems, or procedures, while valuable to the petitioner, cannot form the basis of a determination that he possesses specialized knowledge. Most of the foreign entity's employees would also possess specific knowledge relative to one or more industry segments. The fact that the beneficiary possesses very specific experience with a particular industry segment does not establish that the beneficiary's knowledge is indeed special or advanced.

The petitioner implies that merely working in [REDACTED] tissue industry segment is sufficient to bestow "special knowledge" or an "advanced level of knowledge." While it may be correct to say that the beneficiary is a productive and valuable employee, the petitioner's expansive interpretation of the specialized knowledge provision is untenable, as it would allow virtually any experienced employee to enter the United States as a specialized knowledge worker. All project engineers working in the tissue industry segment would reasonably be familiar with its internal processes and methodologies for conducting such work. Again, 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 and explain how and when the beneficiary gained such knowledge. Merely stating that he will continue working in the same industry segment is not sufficient to satisfy the petitioner's burden of proof.

Counsel states that the petitioner needs to quickly assemble a team of engineers for the new global Tissue SBU, and argues it would be impractical and time-consuming to train an employee to perform the beneficiary's duties. Although the petitioner's Tissue SBU manager, [REDACTED] suggests that this training would take "more than several months" to acquire within the petitioner's organization, the beneficiary's supervisor, Paul Hudson, has not indicated that the beneficiary himself received any specific formal training upon beginning work in [REDACTED] tissue industry segments in Brazil and Spain in 2010, in either the company's internal policies and procedures or in the subject matter related to his tissue segment assignments. The beneficiary's resume does not list any specific training the beneficiary obtained at the foreign entity. The petitioner has not specified the amount or type of training its project engineers receive in the company's tools and procedures and therefore it cannot be concluded that its processes are particularly complex or different compared to those utilized by other companies in the industry, or that it would take a significant amount of time to train an experienced project engineer who had no prior experience with the petitioner's tissue SBU.

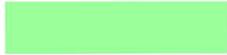
Going on record without supporting documentary evidence is not sufficient for purposes of meeting the burden of proof in these proceedings. *Matter of Soffici*, 22 I&N Dec. at 165 (citing *Matter of Treasure Craft of California*, 14 I&N Dec. 190 (Reg. Comm'r. 1972)). Based on the evidence submitted, the petitioner's internal processes and tools, while effective and valuable to the petitioner, can be readily learned on-the-job by employees who otherwise possess the requisite technical background as a project engineer in the automated processes field. For this reason, the petitioner has not established that knowledge of its processes and procedures alone constitutes specialized knowledge.

The AAO does not dispute that the beneficiary is a skilled employee who would be a valuable asset to the petitioner. However, as explained above, the record does not distinguish the beneficiary's knowledge as more advanced than the knowledge possessed by other people employed by the petitioning organization or by workers who are similarly employed elsewhere. The beneficiary's duties and technical skills demonstrate that he possesses knowledge that is common among professionals in his field. Furthermore, it is not clear that the performance of the beneficiary's duties would require more than basic proficiency with the company's internal processes and methodologies. The petitioner has failed to demonstrate that the beneficiary's training, work experience, or knowledge of the company's processes is more advanced than the knowledge possessed by others employed by the petitioner, or that the processes used by the petitioner are substantially different from those used by other companies in the field of automated manufacturing processes.

For the reasons discussed above, the evidence submitted fails to establish that the beneficiary possesses specialized knowledge and will be employed in a specialized knowledge capacity with the petitioner in the United States. See Section 214(c)(2)(B) of the Act. Accordingly, the appeal will be dismissed.

IV. Conclusion

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



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ORDER: The appeal is dismissed.