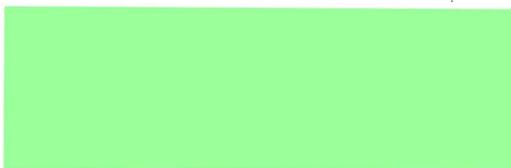


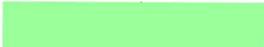
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U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
Administrative Appeals Office (AAO)
20 Massachusetts Ave., N.W., MS 2090
Washington, DC 20529-2090



U.S. Citizenship
and Immigration
Services

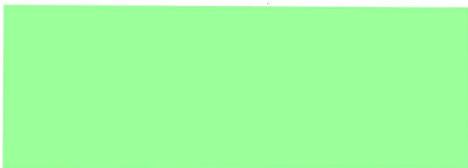


DATE: **FEB 14 2013** Office: CALIFORNIA SERVICE CENTER FILE: 

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, ("the director") 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 was incorporated under the laws of the State of Washington in 1946, and is an international commuter airline. It is affiliated with [REDACTED] a company incorporated in Kampala, Republic of Uganda on June 21, 2007. The petitioner seeks to transfer the beneficiary to the United States to serve in a specialized knowledge capacity, as an International Business Services Coordinator, for an initial period of three years.

The director denied the petition, concluding that the petitioner failed to establish that the beneficiary possessed specialized knowledge and failed to establish that the beneficiary has been employed abroad and would be employed in the United States in a specialized knowledge capacity.

The petitioner subsequently filed an appeal. The director declined to treat the appeal as a motion and forwarded the appeal to the AAO. On appeal, counsel asserts that the director's basis for denial of the petition was erroneous and contends that the evidence of record is sufficient to satisfy the petitioner's burden of proof in that the evidence establishes that the beneficiary will be employed in the United States in a specialized knowledge capacity.

I. The Law

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

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

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

For purposes of section 101(a)(15)(L), an alien is considered to be serving in a capacity involving specialized knowledge with respect to a company if the alien has a special knowledge

of the company product and its application in international markets or has an advanced level of knowledge of processes and procedures of the company.

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

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

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

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

II. The Issue on Appeal

The issue to be addressed in this matter is whether the petitioner established that the beneficiary possesses specialized knowledge and that he has been or would be employed in a capacity requiring specialized knowledge.

The petitioner provides seaplane airline transportation services to destinations in Seattle, Washington, Washington's San Juan Islands, and British Columbia's Inside Passage. It also provides commuter airline wheeled aircraft services and air freight services, as well as manufacturing replacement parts for seaplane floats, through affiliated companies. The petitioner indicated that it employed more than 200 employees in the United States. The petitioner stated that it has expanded its operations and services internationally into Africa and China and is exploring seaplane transportation, tourism and hospitality opportunities in the Bahamas and Belize.

The petitioner noted that its affiliated company in Uganda was established in June 2007 and that it provides air and ground transportation services, hospitality and tourism services, and establishes hotels, provides lodging housekeepers, and engages in property development.

The petitioner stated: "[g]iven the expansion of our business operations in other parts of the world, including Kenya and China and the expansion possibilities in Belize and Bahamas, we require the services of our affiliate's International Business Services Coordinator" and it is "essential that we have a person in the International Business Services Coordinator position who has been responsible for general oversight and performing the essential specialized duties of establishing our day-to-day business operations in the international markets." The petitioner noted that the individual in the International Business Services Coordinator position would be:

Responsible for providing business operations support and development for the U.S. company and the company's related international offices through assisting with the planning and execution of the company's long term business plans and objectives and synchronizing the affiliate companies' operations to satisfy the overall business plans and objectives.

The petitioner also provided a list of the proposed duties of the proffered position including:

- Oversee development of business operations for the company in various countries, such as the United States of America, Uganda, Kenya, China and other international offices, and address both arising and anticipated business concerns;
- Assist the company's owners and executives with logistics and/or facilitation of international meetings, i.e. office visits, leadership summits, and international conferences abroad;
- Analyze internal processes and recommend and implement procedural or policy changes to improve operations and align operations between the companies;
- Oversee the business operations to ensure consistency of business practices and to improve efficiency;
- Research and provide guidance on each international office's operating certification requirements, and limitations for N-registered aircraft, charter and scheduled air services;
- Research and provide necessary reports on each countries' Customs processes and duty obligations for moving the company's aircrafts out of each country[;]
- Coordinate consultation and resolution for best practices on corporate and operational challenges;
- Plan, direct, and coordinate support services of the organization, such as recordkeeping, mail distribution, telephone operator/receptionist, and other office support services. May oversee facilities planning and maintenance and custodial operations;
- Devise and implement measures to ensure that each office facilities remain safe, secure, and well-maintained;
- Plan, administer and control budgets for the offices' contracts, equipments [sic] and supplies; [and]

- Work with United States, Uganda, Kenya, China and other international related entities on best practices to synchronize business practices, office computer systems and software.

The petitioner indicated that the proffered position requires knowledge and skill normally acquired through experience working in its affiliate operations abroad including an "appreciation and understanding of differences in cultures, business practices, mannerisms and traditions." The petitioner noted that it is common in the air transportation industry to require international services staff to have specialized knowledge of the company's operations and business dealing. The petitioner provided a letter from a competing air transportation company to emphasize this claimed requirement. The petitioner added that the beneficiary is well suited to the proffered position as he has held the position of International Business Services Coordinator for the petitioner's affiliated Ugandan company since the Ugandan company was established in June 2007, and has performed all the duties listed above.

The petitioner also provided brochures describing its current U.S. and Canadian operations, and the beneficiary's resume and salary as an international business services coordinator for the Ugandan company. On the beneficiary's resume, the beneficiary listed his education as a high school degree and a two year course at a catering institute as well as a 12-day cultural/educational visit to South Africa in 2007 and a seven-day international leadership retreat in September 2008 in British Columbia, Canada.

The director issued a request for further evidence (RFE), requesting, *inter alia*, evidence of the beneficiary's one-year employment with the foreign company, evidence that the beneficiary has specialized knowledge, and evidence of the proposed specialized knowledge position in the United States. The AAO finds that, in the context of the record of proceeding as it existed at the time the RFE was issued, the request for additional evidence was appropriate, not only on the basis that the director was seeking required initial evidence, but also on the basis that the evidence requested was material in that it addressed the petitioner's failure to submit documentary evidence substantiating the petitioner's claim that it had a qualifying relationship with the foreign entity, that the beneficiary had performed work in a specialized knowledge capacity for a qualifying foreign company, and that the petitioner had specialized knowledge work for the beneficiary for the period of temporary employment requested in the petition.¹

In response, the petitioner contended that the RFE was unduly burdensome, but nevertheless provided the requested evidence. The petitioner, through counsel, identified the foreign entity's business as tourism hospitality services, transportation, property development, and non-governmental organization (NGO) project transportation. The organizational chart for the foreign entity depicted one director, the majority owner of the foreign entity, and the beneficiary as the only employee. The beneficiary's position on the organizational chart was identified as international business services coordinator.

¹ The regulations indicate that the petitioner shall submit additional evidence as the director, in his or her discretion, may deem necessary in the adjudication of the petition. See 8 C.F.R. §§ 103.2(b)(8); 214.2(h)(9)(i). The purpose of the request for evidence is to elicit further information that clarifies whether eligibility for the benefit sought has been established, as of the time the petition is filed. See 8 C.F.R. § 103.2(b)(1), (8), and (12). The failure to submit requested evidence that precludes a material line of inquiry shall be grounds for denying the petition. 8 C.F.R. § 103.2(b)(14).

The petitioner, again through counsel, noted that the beneficiary has specialized knowledge of the foreign company's seaplane operations and its application in international markets "through his experience at [the foreign entity] working with the Ugandan banking sector, attorneys, negotiating insurance policies, and complying with Ugandan governmental business requirements." The record does not include evidence that the foreign entity provides air transportation services of any kind. The petitioner also referenced the beneficiary's travel to the United States to visit the Ugandan Consulate in Gig Harbor, Washington and to attend company meetings and training sessions in November and December 2007, including piloting one of the petitioner's seaplanes. The petitioner, however, does not provide any substantive detail regarding its internal training processes. The petitioner indicated that the beneficiary had previously been employed in the tourism and hospitality industry and with a non-governmental agency in Uganda and claimed:

Given his advanced knowledge of the specific cultural, safety and multi-tribal societal issues relating to international travel and business practices, as well as his professional experience as International Business Service Coordinator for [the foreign entity] with a deep knowledge of its seaplane operational services and products, [the beneficiary] possesses specialized knowledge of both [the foreign entity's] international operations and the intricacies of international travel and business.

The petitioner also noted that the beneficiary was hired to open the foreign entity's office and to grow the company and that since commencing the foreign entity's operations, the beneficiary, as the foreign entity's sole employee, had procured contracts and acted as a liaison between the foreign entity and officials in Kenya. The petitioner noted that as a direct result of the beneficiary's work the foreign entity had grown and enhanced its financial position, image, and competitiveness.

The petitioner again described the nature of the proffered position in the United States emphasizing the international component of the proffered position and stating that such a position is pivotal to the establishment of its business abroad. The petitioner repeated the list of duties providing additional detail as follows:

- Oversee development of business operations for the company in various countries, such as the United States of America, Uganda, Kenya, China and other international offices, and address both arising and anticipated business concerns (20%);
 - Liaise with governmental officials in United States, Uganda, Kenya, China, Belize, among others, to determine regulatory requirements for setting up seaplane operations including licensing requirements and permits required; fulfill requirements;
 - Visit potential landing sites for seaplane operations; negotiate lease and purchase agreements;
 - Recruit, interview and select employees for seaplane operations including mechanics and pilots, among others.

- Assist the company's owners and executives with logistics and/or facilitation of international meetings, i.e. office visits, leadership summits, and international conferences abroad (5%);
 - Schedule international meetings between affiliate offices; obtain site for meetings; procure culturally appropriate materials; lead international business discussions.
- Analyze internal processes and recommend and implement procedural or policy changes to improve operations and align operations between the companies (5%);
 - Periodically review business procedures among affiliate offices and provide suggestions for improvements to synchronize business across international affiliates.
- Oversee the business operations to ensure consistency of business practices and to improve efficiency (2%);
- Research and provide guidance on each international office's operating certification requirements, and limitations for N-registered aircraft, charter and scheduled air services (20%);
 - Liaise with local governmental officials relating to international requirements; provide required documentation and certifications.
- Research and provide necessary reports on each countries' [sic] Customs processes and duty obligations for moving the company's aircrafts out of each country (15%);
- Coordinate consultation and resolution for best practices on corporate and operational challenges (3%);
- Plan, direct, and coordinate support services of the organization, such as recordkeeping, mail distribution, telephone operator/receptionist, and other office support services. May oversee facilities planning and maintenance and custodial operations (2%);
- Devise and implement measures to ensure that each office facilities remain safe, secure, and well-maintained (2%);
- Plan, administer and control budgets for the offices' contracts, equipments [sic] and supplies (8%); [and]
- Work with United States, Uganda, Kenya, China and other international related entities on best practices to synchronize business practices, office computer systems and software (10%).

The petitioner added the additional duty of:

- Provid[ing] guidance and negotiate[ing] sightseeing and hospitality service contracts with potential suppliers/vendors (8%).

The petitioner also provided an example of the duties the international business services coordinator would perform in relation to its expansion into Belize, noting that this individual: would facilitate and attend meetings with the Belize Department of Civil Aviation and the Minister of Tourism and Civil Aviation to ensure compliance with the regulations for operating foreign-registered aircraft, custom duties, and immigration permits; would meet with tour operators and parks departments to evaluate tour destinations and obtain landing sites; and, would also evaluate the feasibility of constructing a seaplane ramp at the Belize Municipal Airport. The petitioner again stressed the importance of understanding other cultures, business

practices, mannerisms, and traditions to perform the duties of the proffered position. The petitioner provided photographs of the petitioner's representatives with a Belize tour operator surveying potential seaplane landing sites, mooring locations and maintenance facilities in Belize as well as photographs of an aircraft maintenance and pilot training facility in Nairobi, Kenya.

As observed above, upon review of the evidence in the record, the director denied the petition.

On appeal, counsel for the petitioner repeats the initial description of the duties the beneficiary performed for the foreign entity and the initial information submitted in support of the petition as well as repeating her response to the director's RFE. Counsel asserts that the beneficiary was selected for the position of International Business Services Coordinator for the petitioner because of his directly relevant specialized knowledge experience performing that position on behalf of the Ugandan affiliate as well as his prior specialized knowledge relating to international business, gained through his professional experience with a Ugandan NGO and a Ugandan guest house. Counsel contends that the petitioner's expansion into Africa and Asia and exploration of expansion in Belize and the Bahamas requires an individual with experience and knowledge specific to the petitioner's business and practices abroad.

III. Analysis

Upon review, the petitioner's assertions are not persuasive. The AAO finds insufficient evidence to establish that the beneficiary possesses specialized knowledge or that he will be employed in a specialized knowledge position.

In order to establish eligibility for the L-1B visa classification, 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.

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.

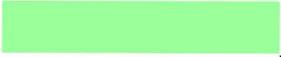
Turning to the question of whether the petitioner established that the beneficiary possesses specialized knowledge and will be employed in a capacity requiring specialized knowledge, upon review, the petitioner has not demonstrated that this employee possesses knowledge that may be deemed "special" or "advanced" under the statutory definition at section 214(c)(2)(B) of the Act, or that the petitioner will employ the beneficiary in a capacity requiring specialized knowledge. The decision of the director will be affirmed as it relates to this issue and the appeal will be dismissed.

In the present matter, the petitioner does not clearly state whether its claim is based on either the first or second prong of the statutory definition. The petitioner asserts generally that the beneficiary has special knowledge of the company's business and its application in international markets but also asserts generally that the beneficiary's knowledge of the company is advanced. Upon review, as will be discussed below, the evidence of record does not satisfy either prong of the definition.

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. *Id.*

The petitioner's initial description of the beneficiary's current and proposed job duties was vague and could have described the duties of any generic international business support specialist. Specifically, the petitioner indicated that the beneficiary has been and will be using his knowledge to establish day-to-day business operations in international markets as the petitioner expands its services and that he will assist "with the planning and execution of the petitioner's long term business plans and objectives and synchronizing the affiliate companies' operations to satisfy the overall business plans and objectives." The petitioner referenced the foreign company's seaplane operations and its application in international markets; however, the record does not include any documentary evidence that the affiliated Ugandan company has been or is involved in seaplane transportation. Additionally, although the petitioner referenced its operations in Kenya, Africa (in addition to the Ugandan affiliate) and China and its plans to expand into Belize and the Bahamas, the petitioner failed to provide substantive evidence of those operations or evidence related to its expansion plans. 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 photographs submitted do not reflect ongoing negotiations for the petitioner's claimed expansion, nor do the photographs document anything other than individuals visiting two generally described locations.

Moreover, the petitioner fails to identify what specifically constitutes the beneficiary's specialized knowledge and how he gained such knowledge. Rather, the petitioner's specialized knowledge claims are largely based on the fact that the beneficiary has worked in the tourism and hospitality industry, has piloted the petitioner's seaplane, and was employed to start up the petitioner's affiliated company in Uganda. The petitioner does not identify any specific skills or training that demonstrates the beneficiary's knowledge of international cultures, business practices, mannerisms and traditions are beyond that of any individual employed who has worked with other cultures and in international settings. Merely claiming that the beneficiary is familiar with internal processes and standards is insufficient if those standards are not materially different from those that are



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generally known and used by similarly experienced workers. The petitioner has not specified the amount or type of training the beneficiary completed or provided documentary evidence that he actually completed any training. The petitioner has neither explained nor provided specific evidence to establish how the beneficiary's role in overseeing its affiliated foreign entity or the daily business operations associated with transportation and tourism endeavors required special knowledge of the company product and its application in international markets or an advanced level of knowledge of processes and procedures of the company.

Further, the petitioner's description of the beneficiary's proposed duties, while similar to those the beneficiary performed abroad, have not been explained in relation to his claimed specialized knowledge. The petitioner indicates that the beneficiary's primary duties will be liaising with government officials to set up seaplane operations, determining regulatory and licensing requirements for different jurisdictions, researching operating certification requirements according to jurisdiction, and researching customs processes and duty obligations. Based on this description, the majority of the beneficiary's time will be spent performing research and determining how to legally proceed with start-up operations in a new jurisdiction, rather than applying any specialized knowledge he gained with the foreign entity. The beneficiary likely has a general knowledge of how to proceed with such start-up operations, but the petitioner has not documented his prior experience with seaplane transportation or explained how his previous experience in Uganda provided him with specialized knowledge specific to the petitioner's operations that is required for the proposed U.S. position.

In this matter, the petitioner attributes the beneficiary's specialized knowledge to his 18 months of experience with the foreign entity, and states that such knowledge can only be gained through such "considerable" experience and training. The petitioner references the beneficiary's visit to the United States in November/December 2007 but provides no probative information regarding the beneficiary's claimed training at that time. The petitioner also refers to the beneficiary's career in the tourism and hospitality industry as a qualification to work in the international business arena; however, the petitioner provides no additional details regarding the beneficiary's prior experience and its relevance to his current work, other than as assisting in a general understanding and appreciation of various cultures and traditions.

The petitioner has not specified the amount or type of training an international business services coordinator would receive in the company's products or processes and therefore it cannot be concluded that the petitioner's training is significantly different compared to other companies in the industry, or even that it would take a significant amount of time to train a similarly experienced individual for this position who had no prior experience with the petitioner's organization. As referenced above, the petitioner has neither identified with any specificity nor documented any training received by the beneficiary since joining the foreign entity, nor has the petitioner articulated or documented how specialized knowledge is typically gained within the organization. Further, the petitioner has failed to explain with specificity how and when the beneficiary gained such specialized or advanced knowledge.

The petitioner offered little information specific to the beneficiary and his background other than providing his job description and confirming that he had been employed by the foreign entity for approximately 18 months. Furthermore, the petitioner indicates that the beneficiary has been performing the duties of an international business services coordinator since he was hired, thus suggesting that a person with generally relevant work

experience in a foreign country could step into the role without the need for completion of a training program. Overall, the minimal evidence submitted is insufficient to establish that the petitioner's employees in general, or the beneficiary in particular, have been required to undergo any extensive training in the company's products and systems.

All employees can be said to possess unique skill or experience to some degree; the petitioner must establish that qualities of its processes, products or other aspect of its operations require this employee to have knowledge beyond what is common in the industry, and knowledge that is not commonplace within the company itself. This has not been established in this matter. The petitioner has not successfully demonstrated that the beneficiary's knowledge of the company's products or processes gained during his employment with the foreign entity is advanced and although the petitioner states that the beneficiary is the only individual who possesses international business knowledge, the petitioner has not supported that statement with documentary evidence. Moreover, even if this was supported, the fact that the beneficiary would be the only individual in the United States who has worked for a foreign affiliate is not sufficient to establish that his knowledge is truly specialized or advanced. To accept otherwise would allow any employee of a foreign entity to qualify for L-1B classification if offered a position working in the United States as long as they had been working for the foreign entity for over one year. In other terms, specialized knowledge normally 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 petitioner has not successfully demonstrated that the beneficiary's knowledge of the company's products gained during his employment with the foreign entity is specialized or advanced. The AAO does not dispute the possibility that the beneficiary is a skilled and experienced employee who has been, and would be, a valuable asset to the petitioner. However, the petitioner has not established that familiarity with its international business processes alone constitutes specialized knowledge, and has failed to demonstrate that the beneficiary's training, work experience, or knowledge of the company's products or processes is more advanced than the knowledge possessed by others employed by the petitioner, or that the transportation and tourism products developed by the petitioner are substantially different from those used by other companies in the petitioner's industry. As the petitioner has failed to document any special or advanced qualities attributable to the beneficiary's knowledge, the petitioner's claims are not persuasive in establishing that the beneficiary, while perhaps experienced or skilled, would be a "specialized knowledge" employee.

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). The evidence submitted fails to establish by a preponderance of the evidence that the beneficiary possesses specialized knowledge or that he 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

The petition will be denied and the appeal dismissed for the above stated reasons, with each considered as an independent and alternative basis for the decision. In visa petition proceedings, the burden of proving

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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. The petition will remain denied.